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TRIAL OF MR. PEDRO DE ZULUETA.

CENTRAL CRIMINAL COURT.—FRIDAY, OCTOBER 27, 1843.

(Before Mr. Justice Maule, and Mr. Justice Wightman.)

THE CHARGE OF SLAVE-TRADING.

It having been known that the trial of Mr. Pedro de Zulueta on a charge of sending out a vessel for the purpose of trading in slaves was to take place this morning, the court was crowded by the personal friends of the accused and eminent city merchants, who appeared to take the greatest interest in the proceedings.

Mr. Serjeant Bompas, Mr. Serjeant Talfourd, and Mr. Payne were engaged on behalf of the prosecution; Mr. F. Kelly, Queen's Counsel, Mr. Clarkson, and Mr. Bodkin for the prisoner.

Mr. KELLY applied to the Court to allow Mr. Zulueta to sit near him, instead of being placed in the dock. He made the application, not for the sake of keeping Mr. Zulueta out of the dock, but in order that he might assist him in conducting the defence. Mr. Zulueta was a Spaniard, and a great portion of the documents which would have to be referred to in the course of the proceedings were in the Spanish language, and it would be necessary that he (Mr. Kelly) should consult with him upon their nature, which he could not do conveniently if he was placed in the dock. There were many precedents for such a course being adopted, and he hoped it would not be refused in the present instance.

Mr. Justice MAULE, having referred to the books and consulted with Mr. Justice WIGHTMAN, said, the last and most important case upon the subject was that of Horne Tooke, where a similar application was made and several grounds were urged for its being complied with; amongst others, that if compelled to stand in the dock his health might be endangered; on that occasion the Court refused the application on general principles, but granted it upon the ground of ill health. With respect to the application now made, he thought the judges ought to take care that it did not go abroad that a distinction was made between a person of rank and a more humble individual. Mr. Zulueta, it was understood, was a person of property and some station in society, but the Court could not make a distinction between him and any other person charged with felony; the Court could not see any grounds for granting the application.

Mr. Zulueta was then taken into the dock.

The indictment was then read, and charged the prisoner that he, after the 1st of January, 1835—to wit, the 1st of November, in the fourth year of the reign of her present Majesty, did feloniously equip, man, and navigate a certain vessel called the *Augusta*, for the purpose of dealing and trading in slaves.

In the second count, the vessel was charged to have been sent out for the purpose of purchasing slaves.

In the third count, to deal and trade in persons intended to be dealt with as slaves.

In the fourth count, intending to purchase persons to be dealt with as slaves.

There were four other counts, in which the prisoner was charged with placing on board the said vessel certain goods to be bartered with persons selling and dealing in slaves.

On being called upon to plead, the prisoner in a firm tone said, "I am not guilty."

He was then told that as he was a foreigner he had a right, if he pleased, to be tried by a jury of half Englishmen and half foreigners, or he might be tried by a jury composed entirely of Englishmen.

Prisoner.—No, I have no wish to do so; I am as safe in the hands of Englishmen as foreigners.

Mr. Serjeant BOMPAS then said, that before he stated the case to the jury, he had to apply for permission for Mr. J. Gurney, who took short-hand notes for the committee of the House of Commons, before whom the prisoner gave evidence, to verify the report, as that gentleman was under orders to be in attendance elsewhere on behalf of the Government.

Mr. KELLY said he had no objection to offer to such a course.

Mr. J. Gurney was then sworn, and verified the report.

Mr. Serjeant BOMPAS then rose to state the case on behalf of the prosecution, and said it became his duty to call their attention to a case of very considerable moment, and although he was quite sure that in every case where the welfare and liberty of any person was at stake they would give their best attention to the evidence against him, yet this, he must say, was a case which would demand their peculiar attention. The charge against the prisoner was one of a novel character, and it was rendered more so by the fact of such cases being very difficult to bring before a court of justice, inasmuch as they could only be sustained by a variety of circumstances which were generally of a very complicated description. The question to the prisoner was one of paramount importance; he was, as they had no doubt heard, a person of wealth and rank—a merchant of high standing in the city of London, and he was quite sure they would exercise their utmost vigilance in taking care that justice was fully administered; he was quite sure that unless the charge was fully proved against him they would pronounce him innocent; but, on the other hand, if the evidence was such as to satisfy them that he was guilty, then equally sure was he that they would not permit his rank in society to protect him. The charge against the prisoner was, that he had unlawfully and feloniously equipped and manned a vessel called the *Augusta* for the purpose of dealing in slaves. It was now happily a matter of history, that there had been a great contest carried on in this kingdom by those who were anxious to put an end to what they rightly considered one of the

greatest crimes that could stain human nature, and on March 25th, 1807, an Act of Parliament was passed for the purpose of removing, so far as laws could effect it, the foulest blot resting on the history of this nation. It was called an act for the abolition of the slave-trade. Down to the period to which he had alluded, the traffic in slaves was carried on as a legal business, by which many persons had amassed very considerable fortunes, and it was only persons of property who could carry on such a trade. Notwithstanding the passing of this act, many persons continued to carry on the traffic; and, from time to time, acts of Parliament were passed for the purpose of carrying out the original enactment, which imposed still more stringent penalties upon all persons detected in carrying on the slave-trade. The Government of this country having taken such an active part in endeavouring to abolish such a nefarious trade, would naturally be desirous of showing to foreign nations that they would take especial care that no person within their jurisdiction should, in any manner, be concerned in dealing in slaves, and with that view the act of Parliament, the 5th George 4, c. 113, under which the present indictment was framed, and which made the offence a felony punishable by fourteen years' transportation, was passed by the Legislature in hopes that this severe penalty would have the effect of doing away with the traffic altogether. When they reflected upon the penalty inflicted by the act of Parliament, they considered it probably very severe; but light indeed was it when compared to the fate of the poor slave, who, torn from his friends and country, was doomed, should he survive the horrors of his voyage, to a life of interminable slavery in a foreign land; and it was to prevent such a system being carried on that so severe a punishment had been imposed. In prosecuting such a charge as the present, the prosecutors had to contend with many difficulties, and it was only reasonable to suppose that the transactions would extend over a very considerable period of time, and it would also require a lengthened period to obtain the necessary witnesses and documents from Africa, in order to support the charge. There had already been an inquiry with respect to this vessel in Africa, and afterwards in England, and this had been the means of causing further delay. One of the charges against the prisoner was that of having laden the vessel with merchandise for the purpose of supplying various persons holding slaves in Africa with the means of keeping them while they were there, and also to enable them to barter for negroes to be transmitted to Cuba or Brazil as the case might be. It was almost unnecessary for him to say that it was utterly impossible for any vessel to be openly engaged in an English port for the purpose of slave-trading without being detected; but he had no doubt he should be able distinctly to satisfy their (the jurors') minds, that the goods were put on board for the sole purpose of being bartered for slaves at the slave factories situated at Gallinas, on the coast of Africa. It would be necessary, in giving a history of this vessel, to go back for a number of years. In the year 1839, the vessel, which was then called the *Goluptchick*, and trading under the Russian flag, was fully equipped for the slave-trade, and was captured on the coast of Africa, by Captain Hill, of Her Majesty's brig *Saracen*, and sent to Sierra Leone. At that time, her captain was a Spaniard of the name of Bernardos, and her crew were all Spaniards; the case was taken before the Court at Sierra Leone, which was a mixed commission of Spaniards and English, but the vessel being under the colours of Russia, the Court could not interfere. The vessel was then sent to England, when the Russian Consul claimed her as a Russian vessel, and she was sold by auction at Portsmouth to a person of the name of Emanuel, who purchased her for 600*l.* and the auction dues; and the purchase money was paid to Captain Bernardos. A letter would be produced, addressed by the prisoner to Jennings, who afterwards became her captain, and who was included in the present indictment, the purport of which was that he (Jennings) was not to give more than 500*l.* for her; but he should be able to show that a short time after this the prisoner became the purchaser at 650*l.* The vessel remained at Portsmouth from this time till the following month (October). He (Mr. Serjeant Bompas) thought he should have but very little difficulty in showing that the vessel had been purchased for the purposes he had described. When the vessel was subsequently captured, a letter was found which would, he apprehended—

Mr. KELLY objected to the reading of any letters found in the vessel, unless it could be clearly shown that the prisoner was either a party to them or was cognizant of their existence. The charge against the prisoner was for equipping, &c., the vessel in this country, and the letters were not found till some months after he had ceased to have anything to do with her.

Mr. Serjeant BOMPAS proceeded to say that one of the letters contained directions to Jennings, who was to command her to Gallinas, on the coast of Africa, and that letter was written by Bernardos.

Mr. KELLY again objected to the putting in of any such letter; it could not affect the prisoner; had it been written by him it would have been very different.

Mr. Serjeant BOMPAS said he apprehended the proposed letters were legitimate evidence; he had, however, no wish to prejudice the case. The letter, he had said, was from Bernardos to Jennings, and he should be able to show that the prisoner had been in communication with them respecting the voyage of the vessel.

Mr. Justice MAULE intimated, that it would, perhaps, be better to refrain from stating the nature of the letters, as it was a question whether they could legally be admitted in evidence.

Mr. Serjeant BOMPAS said, he had to prove what was the object in

sending out the vessel, and what it was intended she should do; that she was intended for the slave-trade; and to show distinctly that the prisoner was fully aware of that fact. He should be able to show, that whilst the vessel was lying at Portsmouth, some of the implements used in the illegal traffic were still in her. They were no doubt aware that, in order to carry on this traffic, it was necessary that the vessels concerned in it should carry a large quantity of water, and in this vessel there were a number of large tanks, or, as they were usually termed, "leagores." Of course it was impossible for her to leave this country with such things on board; for if she did, the intention and object of her voyage would at once be apparent, and accordingly they were all taken to pieces, and in that form were still in the vessel in order to be put together again when required. Besides these, there were means also of placing what were termed slave-decks in the vessel. These decks were moveable, and placed at a distance of about 32 or 33 inches from each other, and in them the unfortunate beings placed could neither sit nor stand. A quantity of screw bolts, for the purpose of fixing these false decks, were also on board, so that the decks could be replaced in an incredibly short space of time. It would also be shown that a seaman was applied to at Portsmouth to join the vessel on a voyage to the coast of Africa. While lying at Portsmouth letters were received by Jennings, and a letter was found on board the vessel which had been written from London. The prisoner, in an examination before a committee of the House of Commons, had stated, that he had the management of the whole of this business; and, therefore, there could be no doubt that he was responsible for the letter. Mr. Serjeant Bompas then read a letter dated the 26th September, 1840, addressed to Jennings, in which complaint was made of his not having asked for sufficient money to enable him to clear the vessel from Portsmouth, and requesting to know by return of post what further amount he required, and directing him to proceed without delay to Liverpool. Although there could be no doubt that that letter was written by Mr. Zulueta, still when it came into the possession of Captain Hill, it appeared that the signature had been cut out. They would also see, that although it was made subsequently to appear that the vessel belonged to Jennings, and was purchased in his name, in fact it was purchased and paid for by Zulueta. The learned counsel said, he would next draw their attention to what took place when the vessel arrived at Liverpool. A charter-party was entered into by Jennings and Messrs. Zulueta on the part of Pedro de Martinez, a merchant at Cadiz, but who was notorious as a dealer in slaves, and was so, as he was instructed, to the knowledge of the prisoner; he having admitted such to be the case before the committee of the House of Commons.

Mr. KELLY denied that any such admission was made.

Mr. Serjeant BOMPAS said, that the prisoner, in one of his answers, said Martinez was considered to be a dealer in slaves, and he (the prisoner) believed he was.

Mr. KELLY intimated that if the learned serjeant read further on, he would find a very different construction put upon the answer.

Mr. Serjeant BOMPAS said the whole of the prisoner's evidence would be read, and then his learned friend could make his observations upon it. By the charter-party alluded to it appeared that Martinez had advanced a sum of money to Jennings for the purchase of the vessel, and that he was to pay all just dues and charges; the vessel to be freighted with legal goods, and proceed to the Gallinas, and thence to America or the West Indies, as Martinez might direct; and the amount of freight that would accrue was to be held as a lien for the repayment of the sum advanced for the purchase of the vessel; and by the same document, Jennings admitted the receipt of 1,100*l.* from Martinez and Co., through Messrs. Zulueta. All the earnings of the ship were to be accounted for, and Jennings was to receive 15*l.* per month for salary as captain. It would, therefore, at once be seen, that although Jennings was the party who nominally chartered the vessel, yet, in point of fact, Mr. Zulueta was the responsible party. The prosecutor therefore contended that the whole was merely a colourable transaction, and that Jennings was put forward as the owner of the vessel, in order to secure Mr. Zulueta. If the transaction had been genuine, and all the parties honest, why so much secrecy? The vessel then proceeded to the Gallinas, a place entirely devoted to the slave-trade, and no other commerce of any kind was carried on there. There were five large barracoons, in which the slaves were kept until an opportunity offered of shipping them to their destination. These slaves were mostly purchased by barter for cotton and other goods sent from England, or by doubloons, which were raised by drawing bills on persons in England. The names of the chief slave-dealers were Rollo, Alvarez, Ximenes, Buron, and Glassie. The cargo of the vessel in question was consigned to the three first-named persons. Shortly after the vessel sailed from England, in consequence of bad weather it became necessary that she should put into some port for repairs; but, although she was not more than 100 miles, or one day's sail, from Cork or Falmouth, the captain, in spite of the remonstrances of the crew, insisted upon going to Cadiz, where Mr. Zulueta had a house, and at that port part of the damaged cargo was sent on shore, and Mr. Zulueta received the amount of the loss from the insurance office in London. About the 7th January the vessel sailed from Cadiz, and on her arrival on the coast of Africa she was captured by Captain Hill, who was not a little surprised to find her the same vessel which, but a short time before, he had captured and sent to England, in the name of the *Golyptchick*, and which had thus returned under English colours and with a fresh name. When Captain Hill boarded her, Captain Jennings refused to say to whom the cargo was consigned, and he therefore detained her.

Mr. KELLY said, what had passed between Captain Hill and Jennings could not affect Mr. Zulueta, who was in England at the time.

Mr. Serjeant BOMPAS proceeded to say, that subsequently Jennings gave Captain Hill some letters, which he said were directed to his consignees.

Mr. KELLY again objected, that the letters were written by Messrs. Martinez and Co., and could not, therefore, affect the prisoner. The offence, if any had been committed, was committed in England, and these letters were written by a foreign merchant afterwards.

Mr. Serjeant BOMPAS would at once admit that these letters formed a very material point in the evidence, and the question of their admissibility was therefore of importance, and ought to be at once decided.

A long argument then ensued, and eventually

Mr. Justice MANLE said it would be better not to read the letters then.

Mr. Serjeant BOMPAS said, that if it should be eventually decided that these letters should be read, they would form a very grave matter for the consideration of the jury. After the vessel was captured the second time, she was again taken to Sierra Leone, where she was detained some time, and eventually sent to England. The main question for their consideration would be, whether the vessel was despatched to the Gallinas for the purpose of trading in slaves, or whether it went there for lawful and honest purposes. It would be his duty to open to them the evidence which Mr. Zulueta had volunteered before the House of Commons. He would call their attention to every material part of it, and leave them to apply it to the rest of the evidence. He (Mr. Zulueta) was examined on the 22nd of July, 1842. It appeared that some persons had made statements before that Committee which were considered to reflect upon the prisoner; and he, therefore, felt himself obliged to give an explanation. He said—"I will begin by stating what has been the nature of our—I will not say trade, for we have not had a trade ourselves—but of our connexion with the shipment of goods to the coast of Africa. We have been established as merchants for upwards of seventy years in Spain, for nearly twenty years in this country, and we have had connexions to a large extent in Spain, and in the Havana, and in South America, and in several other places; among them we have had connexions or commercial intercourse with the house of Pedro Martinez and Co., of the Havana, and with Blanco and Cavallo, of Havana. With them we carried on a regular business in consignments of sugars and of cochineal, which they have made to us; and in specie received by the packets from Mexico and other places. We have several times acted for them here in this country, buying raw cotton, for instance, at Liverpool, and re-selling it very largely. That has been principally with Pedro Martinez and Co.

"They are general merchants?—They are general merchants, and their transactions with us have been of that nature. As general merchants, we have bought stock here for them rather largely, and in the course of those transactions we have received orders from Don Pedro Martinez and Co., of the Havana, and from Don Pedro Martinez, of Cadiz, to ship goods for the coast of Africa; never from Pedro Blanco, and never from Blanco and Cavallo.

"Have you received orders from Pedro Martinez for shipments for the coast of Africa?—Yes, in the course of business we have received orders to ship goods upon the funds in our hands belonging to them; and we have shipped the goods described in the letter, and sent the bills of lading to Pedro Martinez; but beyond that we have never had any returns from the coast, nor any control of any kind, from the moment the cargoes left the ports of this country.

"You have had no interest in the result of the venture?—No, nor any notice, nor any acquaintance, nor any correspondence with any one upon the coast. We have never had any kind of knowledge, either subsequently or previously, of the shipments, except the mere fact of buying the goods and shipping them." He (Serjeant Bompas) did not know how that could be quite correct. It would appear subsequently, by the evidence in this case, that they had actually received the insurance on damaged goods landed at Cadiz from this very vessel.

"Your whole interest was a commission upon the transaction?—Entirely. The extent of those transactions has been so limited in the course of nearly twenty years that we have been in this country, that the amount of the invoices that we have sent out has been something like 20,000*l.* or 22,000*l.* in the course of all that time. That is one part of the operations we have performed. The other operations are the acceptance of bills drawn by people on the coast; among them Pedro Blanco, when he was there, upon ourselves, on account of Blanco and Cavallo, of Havana, upon funds which Blanco and Cavallo had in our hands; for instance, the people at the Havana, or in Spain, open a credit with us, and we accept the bills of the parties on that credit with us, just the same as we should do with any other correspondent in any other part."

The jury would probably have in evidence who Pedro Blanco was. No doubt he was a considerable slave-trader.

"You would have funds in your hands, arising from some commercial transactions between you and the Havana merchant or the Cadiz merchant; and Pedro Blanco, upon the coast of Africa, would draw upon the credit of those funds, being authorised by the Cadiz or the Havana merchant?—Yes; and if Pedro Blanco had drawn 5*s.* beyond that, we should have protested, and in some instances we have protested. With regard to the vessel alluded to in this report, the *Augusta*, our part in that concern has been simply that which appears from one of the letters; that is to say, Pedro Martinez, of Cadiz, had made choice of Jennings to buy the vessel, and lent him money to buy the vessel; because Pedro Martinez wanted him to have a vessel in the trade, for the purpose of taking his goods to their destination."

It was always satisfactory in a case of this kind to know that if a statement made were true, the proof of it would be perfectly easy. Evidence, however, must be given sufficient to charge home guilt, before the party could be called upon to make his defence. In this case, Mr. Zulueta was only one of the firm, and he could have no difficulty in proving all the transactions.

"I have now described the three kinds of operations in which we have been concerned, and our knowledge of all of them terminated with the execution of the orders of our correspondents. We had nothing more to do than to follow the orders of the purchaser in shipping the goods. With regard to the purchase of the vessel by Jennings; Jennings is a man who has been employed some time by Martinez: he has served Martinez as a chartered captain, and Martinez having been satisfied with his services, agreed to lend him that money on the security of the vessel, provided it did not exceed a certain amount; which was all the interference we had with it, just to see that a certain amount was not exceeded, 500*l.*, or whatever it was.

"Then you were to furnish Captain Jennings with money for the purchase within a limited amount, say 500*l.*, credit being given to him upon you by Pedro Martinez, of Cadiz?—That is just the point."

It would be shown, however, that there could be no such limit, because Mr. Zulueta did actually give 650*l.* for that vessel.

"Captain Fitzroy: The *Augusta* being purchased by money advanced by your house for Martinez and Company, of Cadiz, did she then become

the property of Pedro Martinez?—No, she became the property of Jennings; the money was lent to Jennings, and he bound himself by giving security on the vessel to answer for the amount. It is a mercantile operation which is not unusual."

It was not a very material matter, but it would be for the jury to say whether it was unusual or not.

"Mr. Forster: You advanced the money to Captain Jennings for the purchase of the vessel, Jennings transferring the vessel to you as a security for the amount so advanced?—That is just the description of operation, which is a very general one in business."

The prisoner then went on to describe the operations. It appeared that Jennings was owner as well as captain; that he stood indebted to Martinez, and gave a bottomry bond for the vessel. If that were the case, there would be no difficulty in proving it.

"You acted in this transaction merely as agent in the usual manner, as you would have acted for any house in any part of the world?—Exactly; if Martinez had told me, You have got 500*l.* in your hands, pay that to Captain Jennings, I should have known nothing more of the transaction; I should have paid the money. But Martinez did not wish to go beyond a certain amount; and he says, You exercise control, do not allow the man to pay more than 500*l.* for the vessel."

The letter treated it as a purchase by Zulueta: there might or might not be directions in the letter; if there were, it was clear that he could prove it. It was quite impossible that there should be time for giving fresh directions, and saying 650*l.* was to be paid for the vessel. If a man, when charged with theft, said that he purchased the article, unless he proved it, his assertion was not evidence.

"But beyond the purchase of the vessel, and the shipment of the goods, the other arrangements and the subsequent transactions were entirely between Jennings and Martinez and Co.?—Most assuredly; except with the order of Martinez, I do not know how we could have done anything with him in any way."

That of course could be proved.

"Captain Fitzroy: Though the process of hypothecating a vessel may be usual between British merchants, is it usual to cover a transaction of Spanish slave-trade with the British flag, by means of such an arrangement as that described to have taken place in the case of the *Augusta*?—In order to answer that question, it seems to me that it is fair that I should ask where is the transaction of covering, and where is the slave-trade transaction? I know positively of my own knowledge, that there is no such thing at all connected with the *Augusta*. If I had an opportunity I could make my affidavit of that."

"Sir T. D. Acland: Do you mean that you know that the *Augusta* was not engaged in any slaving transactions during the voyage upon which she left Liverpool?—Most assuredly not: in fact, my testimony is hardly required of that, because every thing proves that. When she was detained, it was never said that she was upon a slaving operation at all. Before she left this port, after she was bought, she was completely rendered useless for that purpose."

Of course the *leagores* must be taken to pieces; otherwise the ship would not be allowed to leave the port. But they were taken to pieces, and left in the vessel in such a way that they could be put to use.

"Chairman: The charge is, that she was engaged in carrying goods to a person engaged in the slave-trade; not that she was engaged in the slave-trade herself?—I most certainly say that I do not know whether the person is so engaged or not."

If an Englishman chartered a vessel for slave-trading transactions, whether agent or principal, he (Serjeant Bompas) had no hesitation in submitting that he was guilty of the charge alleged in the indictment. If merchants in England would not accept bills drawn by slave-traders and lend themselves to the transaction, and send goods from England for the purposes of barter, the trade could not be carried on.

"Was not the money with which she was purchased, the money of Pedro Martinez?—It seems to me that English captains and English subjects are not prohibited from borrowing money from Spaniards; she was bought with money lent by Pedro Martinez to Captain Jennings for the purpose."

If that were true it could be shown.

"Do you mean that the money was a loan to Captain Jennings, at the time he paid it for the vessel?—It was a loan to Captain Jennings."

"Do you mean that the ship was then Captain Jennings's property?—It was."

"To what part of the coast of Africa has that business been chiefly conducted?—I believe, almost exclusively to the Gallinas."

He believed it would be found that the Gallinas was a slave-trade station and nothing else.

"Have the goods that M. Martinez has ordered to be sent to the Gallinas, been all sent to the same individual?—No, to different individuals; sometimes to Pedro Blanco, who was for a certain time an agent of Pedro Martinez on the coast, and sometimes we have sent a bill of lading drawn in this way to order; we have sent it to Pedro Martinez as a voucher against his account."

"Do you know the nature of the trade of Pedro Martinez at the Gallinas?—I know from general report that Don Pedro Martinez himself is supposed to deal in slaves, and I believe it is so."

"Is he known at the Havana as a dealer in slaves?—I do not know, but I believe so: I do not know why it should not be known at the Havana, if it is known in other parts."

"Sir T. D. Acland: You stated that your transactions with Africa for Martinez have amounted to about 20,000*l.* in fifteen or twenty years. What has been the amount of your whole transactions with Blanco and Martinez of the Havana during that period?—Perhaps 100,000*l.*, or a larger sum. For instance, we have received more than forty or fifty cargoes of sugar from the Havana, consigned to us, and cigars; and we have received bills of lading of specie shipped at Mexico to be sold here, and bar gold, and things of that sort."

"Mr. Wood: Have you reason to suppose that the whole of the large commerce is subservient to the carrying on of the slave-trade by the house of Blanco and Martinez at the Havana?—I do not know; I know that they have large transactions in general business. I know that a short time ago I got 40,000*l.* or 50,000*l.* of Spanish bonds in the market for

Martinez. I know that he is a large speculator in Spanish bonds and in securities of state."

"Have you reason to suppose that a large portion of the trade that they carry on at the Havana is the slave-trade?—I had no reason to know anything of the kind; I have known more of their transactions with the slave-trade since these things have been mooted than I ever knew before; I have had more knowledge of these things lately than I ever had in my life before; and when I say 'I,' I beg to state that I ought to state 'we,' for all my partners are in the same situation."

"Have you been employed by the house at the Havana to ship manufactured goods from this country to Havana, suitable for the African trade?—We have sometimes shipped goods to the Havana of the same kind as those that were in the *Augusta*; cotton goods, and other things of that sort."

"Has that been recently?—In the course of our operations."

"How many years ago?—In the course of these fifteen or twenty years that we have been engaged in business with them; all that I could see in a moment by my books."

"Have you sent any goods of that description to the Havana recently?—Not very recently; I think not for some years."

"Have you sent any goods of that description since you first began to send goods out direct to the coast of Africa?—They have been mixed. I cannot draw a distinction between the two destinations. Some have gone to the Havana, some to the Gallinas."

"Have those supplies of English manufactured goods, which heretofore went to the Havana, to be used there for promoting the slave-trade, been more recently sent direct from this country to the coast of Africa?—No, I do not think that is the case. I should think the contrary is more likely to be the case; but I think we have shipped in some months, or in some years, partly to the Havana, and partly to the Gallinas."

There were then some statements to which he did not think it necessary to refer.

"Have you shipped English manufactured goods direct to the coast of Africa, on behalf of both those houses?—Such goods as were in the *Augusta* I have shipped for one party only. With regard to the house of Blanco and Carvalho, and the house of Pedro Martinez and Co., with both of them I have carried on a large general business. But to Blanco and Carvalho I never shipped a single piece of goods of any kind, except some sugar mills to the Havana; and with regard to the house of Pedro Martinez, we have shipped such goods as those by the *Augusta*."

"From your general knowledge of the trade of the house of Pedro Martinez and Co., is it your opinion that the goods which you so shipped to the coast of Africa were destined to be employed in the slave-trade?—I do not know; they may be, for anything that I know."

He humbly submitted that they did believe it. If they sent goods, it was not for them to shut their eyes to the fact. It was like the case of stolen goods. The person who received them might not know positively that they were stolen; but if they were purchased at such a price—concealed in such a way, that there could be no doubt that they were dishonestly come by, it was as much a crime to receive them as if the party knew that they had been stolen. He was not to shut his eyes, and say, "I do not know."

"Has it come within your knowledge that the house of Martinez and Co. are exporters from Africa of the native produce of Africa?—No, because I never tried to get any knowledge of their transactions there of any sort."

"Have you ever received consignments from them, or on their behalf, of palm oil, gold dust, or ivory, from the coast of Africa?—Never; we never have received any thing from the coast of Africa whatever. With regard to all these transactions, it will perhaps appear strange to the committee that I should not know more of the coast of Africa, having shipped things there; but if we had shipped to the amount of 100,000*l.* to the coast of Africa, or carried on any considerable trade there, we should certainly have known more about the coast of Africa; but in transactions of a very large amount, an invoice occasionally of about 2,000*l.* or 3,000*l.* of goods was a thing that we sent as a matter of course, and did not trouble our heads about, especially as the remuneration we got was a mere trifle, not of itself worth pursuing, if it had not been for the general business we had."

"Chairman: Is there any other part of the evidence which has been given that you wish to observe upon?—It is asked here, in question 5,086, 'Who was he?' the answer is, 'The name is mentioned in the parliamentary papers as being connected with the purchase of a slave vessel; Mr. Kidd; and it is mentioned in connexion with that of Mr. Zulueta, of London.' Now, as to Mr. Kidd, the very first thing I ever knew or ever heard of his name was to see it here. I never heard of his name at all. I never had a letter from him or through him, or knew any thing of the man whatever. That is, with regard to myself. With regard to my partners, I can say the same. I have been making inquiries about it. My father knew there was such a man upon the coast, but I did not know even that, though I have managed all this business. Our house never had a letter from the man, or knew any thing about him."

"You have no connexion with Mr. Kidd in any way?—No, nor any knowledge of him. Then, in the next answer it is said, 'Zulueta, the gentleman in London, to whom the vessel was sent, and who sold her again to her former Spanish owner, is a name well known on the coast in connexion with the slave-trade.' Now what is known on the coast, I really cannot pretend to say; but I believe that not many persons can say that which I can say, that neither myself, nor my father, nor my grandfather, nor anybody in our firm, has ever had any kind of interest of any sort, or derived any emolument or connexion from the slave-trade. My father had at one time an interest in a bankrupt's estate at the Havana, upon which he was a creditor. There were some slaves on the estate, and they formed part of the property assignable to the creditors, and my father got the slaves assigned to him; because the other gentlemen and the creditors were not of the same opinion, he got them assigned to him, and made them free; and that is all the connexion we have ever had with any slaves in the world. I do not know how far that may be considered irrelevant to the point, but I state it because we are here mentioned three or four times as connected with slave-dealers, as a name well known in connexion with the slave-trade. That sort of statement is rather a difficult thing to deal with."

"If it is meant to insinuate by these observations that you ever had any other connexion with the slave-trade than being the shipping agent of goods which were sent to a man who was a dealer in slaves, you entirely deny it?—I assure the committee, that although I have a general notion as to what interest Blanco and Martinez have in slaves, yet, if I was put on my oath to make any particular statement, I really could not, because I do not know it. Of course I believe it; but my personal knowledge amounts only to that which the knowledge of what we read in a newspaper amounts to."

If he knew that the trade of these parties with the Galinas was in slaves; if he believed that these goods were sent out for the purpose of carrying on the trade, and he did send them, and they (the jurors) were satisfied that the name of Jennings was used on the occasion; then he apprehended that the prisoner was guilty within the indictment. The object of the statute was, to prevent the goods being sent out.

"There was nothing upon the face of the transactions which you had with those parties which spoke of a connexion with traffic in slaves?—Nothing whatever."

Would any human being believe that there would be anything to show that there was a connexion with slaves? The vessel would not have gone to her destination if, upon the face of the transaction, there was the appearance of dealing in slaves. The answer went on,

"It is well known that fifty years ago it was in the ordinary course of business in Cadiz to insure operations in slave-trading. My house at that time were underwriters, and it was notorious that a policy of that kind would never enter the doors of our house; and nobody would come to offer such a thing to us upon any terms. It is notorious, both here and in Spain, that we set our faces distinctly against having any interest of any kind in the slave-trade."

"It is further stated, 'It appears that it is a regular thing sending vessels to him, that is, to Mr. Zulueta; if they come to England to him he sends them to Cadiz, and they get out again to the Havana, and come again into the trade.' Have you any observation to make upon that?—It is all untrue; the whole of it. I have never received a vessel from those gentlemen. There has been nothing of the kind."

"Have you anything further to state upon the subject?—There are several things I have marked; for instance, such as this, 'You are not bound to suppose that a man will make a bad use of that which he purchases.' If I wished to put my statement upon that footing, I should have done with it in a moment, for I knew nothing of the use they were put to. I bought goods, but as to what use was made of them I knew nothing whatever. But that is not the position I wish to assume. It is said here that we sent goods or vessels to Pedro Blanco. To that I say, that we never sent either goods or vessels to Pedro Blanco."

It was very extraordinary that a little before, when the question was put, "Have the goods that Martinez has ordered to be sent to the Galinas been all sent to the same individual?" he answered, "No, to different individuals; sometimes to Pedro Blanco, who was for a certain time an agent of Pedro Martinez on the coast. He now says, 'We never sent either goods or vessels to Pedro Blanco.'" He proceeds, "In answer to question 5,474, it is said by Mr. Macaulay, I stated that it appears that it is a regular thing sending vessels to him, that is to Mr. Zulueta; if they come to England to him he sends them to Cadiz, and they get out again to the Havana, and come again into the trade." My answer was intended to describe only the course of that particular transaction, and not to apply to any other case. I never received a single vessel from the coast of Africa at any time, nor anybody for us.

"Mr. Forster.—Then that statement is entirely untrue?—Totally, from beginning to end; we never did so, and nobody for us; and nobody to our knowledge, or with our connivance; I deny it in the most distinct manner. In question 5,487, Mr. Macaulay is asked, 'Have you anything further to say with regard to the connexion of Zulueta with the slave-trade?' The answer is, 'I would refer to his connexion with the *Golupchick*, which was lately captured. In that case, it appeared that the vessel went out direct to the Gallinas from London.' That is the same vessel as the *Augusta*, which I have already explained; it formerly bore the name of *Golupchick*."

"Chairman: Have you been concerned in the purchase of vessels frequently for Pedro Martinez or Pedro Blanco?—We have sometimes bought such vessels here as we could resell at the Havana, such as the *Arrogante*, which we bought."

"Upon orders?—Partly on orders, and sometimes on our own account on speculation."

"Mr. Wood: For what particular trade were they calculated when they reached the Havana?—I think for the same trade which they were calculated for when they were sold here."

"For the conveyance of merchandize?—As well as anything else. They were sold here publicly."

"Mr. Forster: If it was legal for them to be sold here, you considered that it was legal for you to buy them?—I never had any doubt of the legality of buying here, or of selling them again afterwards."

"Mr. Wood: But the questions appertaining to the carrying on of the slave-trade do not confine themselves within strictly legal grounds, but they have other more important considerations attaching to them?—As to that point, there may be a difference of opinion; I would be very sorry indeed, for the sake of catching the approval of other persons, to make a disclaimer of any particular set of opinions whatever; but I believe the only point with which the committee have to do, is the legal point. As to the moral point, it seems to me that I am to judge of that; upon that point, I think I have stated quite enough, having stated distinctly that I never had any connection, nor derived any profit from the slave-trade whatever."

There were then several questions, and in the prisoner's answers, he said that he had had nothing to do with slave transactions. He (Serjeant Bompas) would leave it to his friend to read that more particularly.

"Had you ever employed Jennings before?—Jennings had had charge of vessels before, chartered by Martinez, and hence the connection between Martinez and Jennings. There are some captains in all trades that make a great deal of difficulty about every thing, and others that do not; of course merchants like to deal with those that do not, more than those that do."

"Chairman: It would appear from Question 5,087, that your name is

supposed to have been mentioned in a Parliamentary paper as connected with a slave-trade transaction. Will you refer to page 38, in Class B, papers of 1839 and 1840, which is the place referred to in the answer, and see if there is any trace of your name in that transaction?—I do not find my own name there; I only find an allusion at the bottom to the name of Pedro Martinez, but in a manner in no way connected with me, and stating a circumstance which I never knew. In question 7,965, it is stated, 'The *Augusta* had touched at Cadiz, on her way out from England?' The answer is, 'Yes, and landed part of her cargo at Cadiz, although it was consigned to be delivered at Gallinas.' Now, Captain Hill, who has given this answer, must have known why she touched at Cadiz, and why she discharged part of her cargo, for it must be in the log-book of the vessel. It was because she was nearly wrecked in her passage; she put into Cadiz in distress, and there she landed a part of her cargo, which was tobacco, which was rotten, and sold for the benefit of the underwriters. Now that has not been stated here, but I think Captain Hill must have known it, because it is in the log-book of the vessel which he took."

"Chairman: And the log-book he must have read?—I should think so; because if he has not done that he has done nothing. All I mean to say is that it is an *ex parte* statement."

"Sir T. D. Acland: It was not intended, when she left England, that she should put into Cadiz?—Most certainly not; all the facts of the case show that she went there because she was obliged. I have not seen the log-book, but it must be there, because in the log-book the captain is bound to enter those things, and whoever captured the vessel must have seen the log-book, of course. In answer to question 7,967, it is said, 'Messrs. Zulueta must be aware that it is contrary to law to act as agents or otherwise for the shipment of goods that are to be employed in the slave trade; they were bound to do nothing illegal; they are merchants residing in England, and they must conform themselves to the laws of England, and they cannot by the laws of England plead ignorance of those laws.' Now I and my partners are British subjects, and therefore we are bound by the law, and we must obey the law; and I say, that to endeavour to elude the law is criminal, in my estimation of things. In the answer to question 7,970, it is stated, 'I have endeavoured to be particular in making it appear that this vessel was chartered to a place where there were no constituted authorities.' I think that in the Galinas there are constituted authorities. It is the first time that I ever heard that it is illegal for any merchant to ship goods for any place without ascertaining beforehand whether there are constituted authorities there. I believe that if they like to send goods to any place, they may do it; and as to the fact of there being constituted authorities in the place or not, I do not see what that has to do with the question; besides, there have been such things as treaties made with persons at the Gallinas; so that there must be some constituted authorities there. But I do not know why I should be called upon to know whether there are constituted authorities at the port or not. Then it is stated, in answer to question 7,971, 'As far as I am able to give my own opinion, I believe that Messrs. Zulueta were perfectly criminal, at least they had a knowledge of what they were doing. I think I am borne out in that by the secrecy they have endeavoured to pursue in putting in a false owner.' I have answered all that before. I state again, that all the secrecy and mystery of the thing lies in supposing other things different from what appear. Then it is said, 'In fact there can be no want of evidence to show that Messrs. Zulueta had for a length of time been agents to slave dealers.' Mr. Blanco and Mr. Martinez may have been engaged, as I have stated, in slave operations; and I have stated that we conducted their general business here."

"Mr. Forster: Is not Pedro Blanco a partner in a commercial house at the Havana, who are general merchants?—Yes, I have stated that before."

"Captain Fitzroy: Have you ever discounted any bill drawn by Pedro Blanco, on Pedro Martinez and Co., for goods delivered for them on the African coast at the Gallinas?—I have accepted bills drawn by Pedro Blanco and others, from the Gallinas, upon our house, and paid them to the order of several houses in Sierra Leone, and houses in London. I have paid them in money that I had in my hands, resulting from the general transactions of business, which I have explained. But discounting would be this: if I had paid those acceptances before they were due, and received some consideration for them; that I never did, but I might have done it in the case of these bills."

"Were those bills negotiated through your hands in payment of goods delivered at the Gallinas?—No; they were drawn generally with the advice attached to them, saying, 'I have drawn 1,000*l.* upon you for account of Blanco and Carvalho, or Blanco and Co., at the Havana."

"Mr. Wood: By whose orders were you desired to honour it; was it by the order of Pedro Blanco at the Gallinas?—No; by the house at the Havana or by the house at Cadiz; sometimes the one, and sometimes the other. Blanco had a house some time ago in Malaga as a general merchant, occupied in shipping the fruits of the country and oil to the United States, &c. In answer to question 7961, the following is stated: 'In one of these letters, dated, Cadiz, Nov. 30, 1840, is a paragraph to the following effect: 'In a letter dated London, the 21st inst., which I have just received from Messrs. Zulueta and Co., merchants in London, I had the pleasure of receiving a bill drawn by you on them for 250*l.*, which I this day place to their credit, waiting your advice of the same.' There is here certainly a mistranslation of some kind, because it says that this man receives a bill upon us, and credits it to us, which is, of course, contradictory in the very terms of it; because, if the bill was remitted to this man upon us, he would have debited it to us, and not credited it. But altogether there is some confusion about it; I suppose arising from the mistranslation of the documents; because the fact is this, the bill is one of the bills I have already mentioned, drawn from the Gallinas upon ourselves, to the order of a third party. It is a bill drawn at the Gallinas upon ourselves, on account of the credit; and therefore it could never have been received by the person in Cadiz. It must have been presented to us here; and, in fact, so it was; the bill is here. I wish to show that that letter is perfectly inaccurate."

"Sir T. D. Acland: Can you give the committee any information upon this: 'The other letters,' nine of them, 'were all on slave business, not a word of any innocent trade, but the whole directing how slaves were to be shipped on board various vessels.' How do you account for this vessel

carrying letters upon slave business?—I account for it in this way: First of all, it is impossible for us to answer here what letters will be put on board at Cadiz; but there is very seldom any communication between Cadiz and the Gallinas; whatever letters there were must have gone by such random occasions as arose. As to the fact, that whoever wrote those letters is engaged in the slave-trade, the letters will speak for themselves.

"Chairman: Those letters were not prepared in the expectation of the arrival of this vessel, because this vessel was not destined to that port, and was only driven there by stress of weather?—Most certainly. I will add one circumstance in proof of that. This vessel was supposed to have been lost, from the circumstance of a boat having been found upon the coast with the name of 'T. Jennings' upon it, and it was supposed that it was a boat belonging to the vessel; it was, in fact, a boat from the vessel, but the vessel had not been lost, therefore the vessel was quite unexpected in Cadiz by every soul. It went there from stress of weather, and nothing more. Then it is said, in answer to question 7,972, 'I think the papers are quite conclusive to the mind of any man that Zulueta was cognizant of what he was doing; but, as far as it is an illegal transaction, it is not for me to judge; but the Judge of the Vice-Admiralty Court of Sierra Leone did think it illegal, and condemned the vessel; and moreover, the man who is put forward as captain and owner did not defend the vessel on her trial.' Now, as to the statement of his being a false owner, I have already stated that he was not. But then, again, with regard to the other part of the business, the man did not defend it, because he was prevented from defending it."

With respect to the first part of the answer, it was stated that the vessel put into Cadiz in consequence of stress of weather. The evidence that he (Serjeant Bompas) would bring forward, would show that there had been a storm, but that she was within 100 miles of Cork or Falmouth, whereas she was eighteen or nineteen days' sail from Cadiz. The crew did not exactly mutiny, but they were opposed to going to Cadiz; and it was only upon the captain making an arrangement that they should be discharged at Cadiz that they consented to go there, she being close to the English coast. There was no doubt that when she arrived there certain letters were put on board her; and if they were evidence, the jury would see them. On the next day a further explanation took place before the committee.

"Chairman: The committee understand that you have some further observations to make upon the evidence which has been given with reference to your house?—With reference to the destination of the *Augusta*, from Liverpool to Gallinas, and the fact of its having put into Cadiz unforeseen, and unpremeditated altogether, in consequence of stress of weather, I omitted to mention a circumstance which will put the thing beyond doubt, and it is this: An insurance was made at Lloyd's, from Liverpool to the Gallinas, and it is well known that, of course, we should have forfeited the insurance by going to any other port except from the peril of the sea; and the British consul at Cadiz is well aware of the circumstance, because he is Lloyd's agent there; and therefore he had to interfere in the whole proceeding; without his sanction nothing could have been done. We have called upon the underwriters upon that account, and it has been paid, and which would not have been paid without its being proved. I stated yesterday, that the transactions of my house with Pedro Martinez and Co., of the Havana, with Blanco and Carvalho, of the Havana, and with Pedro Martinez, of Cadiz, had amounted in the twenty years to 100,000*l*. I was afraid of overrating the amount; but on reference to the books of the house, I find that our transactions with them in twenty years have amounted to 400,000*l*, out of which the 22,000*l*. that was mentioned is the whole amount of goods that have been shipped by their orders for the coast of Africa."

That was a very serious answer, when the prisoner had stated, from his general knowledge, that the parties dealt in slaves. Though the goods covered only amounted to 22,000*l*., yet the bills accepted were, no doubt, on account of the same transactions.

"Can you state how much of the 22,000*l*. has accrued within any given period; is it distributed equally over the whole twenty years, or has it grown up in the last four or five years?—In the last few years it has decreased, but otherwise it is spread over the whole number of years. In such a length of time it forms to our minds a mere speck. In the last six months our transactions with the house of Pedro Martinez, of Cadiz, amount already to 30,000*l*.; and with Pedro Martinez, of the Havana, to nearly the same amount. With the house of Pedro Blanco and Co., of the Havana, the amount has been 15,000*l*. for what has passed in the last six months; and, with the houses generally at Cuba, throughout the island, it amounts to 100,000*l*. altogether, arising entirely from cargoes of sugar and from tobacco, and remittance of bills from there in carrying on banking operations, upon which they draw again, which are negotiated in the Havana, and sent to houses in London to cash, and remittances of drafts on the Spanish treasury at the Havana, and bills of lading of specie and bullion, and such things, from Mexico. I state these things only to show the nature of our trade; and I have been particular, because, as these are large amounts, I wish to show what they arise from. Another fact escaped my attention yesterday, and it is this—that Don Pedro Martinez is owner of several large vessels of 300 tons and 400 tons, which are in the trade of sugar, tobacco, and such things, with us, in England and with Cadiz."

The cargo put on board the *Augusta* was worth about 5,000*l*.

"Have you bought other vessels for him than those which have been employed in the slave-trade?—Yes, decidedly so; there was the *Star*, Captain Jennings. That vessel was sent from here to the Gallinas, precisely the same as the *Augusta* has been sent. She delivered her cargo; she went from thence to Cape Coast, I believe, and from thence to Madeira; she received a cargo of wheat; she came back to Spain, and she was sold at Liverpool to a third party, not Martinez, or anybody connected with him; in fact, she was sold for very little. The object of that vessel was just the same as the *Augusta*, to maintain a legal trade with Gallinas; that is within my own knowledge.

"Mr. Aldam: What is the description of legal trade that was carried on?—Sending out goods to be sold at those places, and to go to other ports, not to carry any cargo from there to the Havana.

"There has been a good deal of evidence, in which it has been stated that no legal trade is carried on with Gallinas?—I could not say what trade

there is at the Gallinas of a legal nature, but I know that those vessels would have taken nothing if there was nothing legal to take, from that place to the Havana, or to any other place; I am aware that my answers upon this point must be deficient, because I am really very ignorant of the trade of the west coast of Africa.

"Do you suppose that the vessels would be used to carry on a legal trade?—Most certainly I do; because persons find it worth while to send goods there constantly. The committee will observe, that what the application of the goods is afterwards I cannot say; but I speak of the fact of the vessels having gone there with the intention of returning to the Havana to bring a cargo of some description here, to pay a freight, and then to go again with the same kind of goods to Africa.

"Chairman: You have stated before that you have cleared out for the Gallinas from Liverpool?—Yes.

"In carrying on operations of that kind, should you have ever thought it necessary to exercise any disguise as to what part of Africa you were clearing out for?—Not at all.

"You did not imagine that in being the instrument of sending lawful goods to any part of Africa you were doing anything which required concealment?—Nothing at all of the kind; and the proof of that is, that in the bills of entry in Liverpool, anybody could see our names as consignees of the vessel, and see entries made in our own names of everything."

That Zulueta and Co. did make the shipment was beyond all question true; but if this were a transaction not to be concealed, would not their names have appeared throughout it? The name of Thomas Jennings, however, was in the ship's papers.

"Is there not a document officially published daily in London and at Liverpool, stating the daily entries at the Custom-house of all goods shipped, with the description of the goods, and the name of the port and of the shipper?—Yes, there is.

"Is not this printed from time to time in the public papers?—It is in general circulation; there is hardly any merchant in Liverpool or in London who is not possessed of one. The Liverpool entries are reprinted in London, Liverpool being such an important place of business. The bill printed in London contains also Liverpool, Hull, and Bristol.

"So that every such transaction is perfectly notorious to every one?—Notorious to every one who chooses to read the public papers. There is another thing which escaped me till I came into the room this morning. As I have been in the business from my childhood, I know every thing that is going on in it. The *Arrogante*, after we sold her at the Havana, was sent to Vera Cruz with a cargo of Spanish paper, spirits, raisins, &c., such as is sent for the South American trade, for the purpose of breaking the blockade of Vera Cruz, which she did break and went in. It was asked in question 7,147, whether the *Augusta* was equipped for the slave-trade the second time; the answer was, 'She was not.' I wish to state that before any goods were put on board of her, it was our express wish and order that everything in her that was fit for that trade should be taken down, and the vessel put in the same condition as any other merchant vessel, and we should not have loaded anything in her if that had not been done."

She could not have got out of the port of Liverpool unless these things had been removed. She would have been seized by a man-of-war had she not appeared like an ordinary vessel. The answer goes on—

"It is stated in the evidence that the *Augusta* was consigned to three notorious slave dealers; now we had never in our lives heard of the name of any one of the parties to whom she was consigned."

That was most extraordinary. Here were persons shipping to the Gallinas for 20 years; there were five persons slave-dealers residing there; and notwithstanding the house had consigned goods there for that length of time, the prisoner did not know the names of three out of the five. That was a fact of which the jury would judge.

"You mean that the first time you heard their names was when the order to ship those goods was given to you?—Yes, and the circumstance of three consignees is a regular thing with distant consignments, such as South America and Africa. There is such an uncertainty attending the residence of parties in those places, that we invariably put a second and third consignee in addition, in case the first should not be in the way.

"Mr. Forster: Some bills were referred to in your former evidence drawn by Mr. Pedro Blanco upon your house: have you any objection to put those bills before the committee?—Not any. And I ought to state now, as I have been looking at the bills more closely, that they are not all drawn to the orders of Sierra Leone houses, but to the orders of other Spaniards, and those people endorsed them to the Sierra Leone houses. This does not alter the case materially, but for the sake of accuracy I mention it.

"You will put them in for the inspection of the committee?—Certainly. (The same were delivered in.)

"You only hesitated in giving the names yesterday from motives of delicacy, not from any motive of concealment?—Yes, I do not wish to withhold any thing, but I am indisposed to introduce any name. I have no wish to conceal any thing whatever. I have been consulting with my partners upon this subject, and I have a request to make to the committee. Our position is one which is certainly an unpleasant one. I think that what I have stated will have proved to the satisfaction of the committee that we have not in any way intended to elude the law."

Then it was suggested that if there were any difficulty there should be a new Act of Parliament. He (Serjeant Bompas) had read more than he should have done, because he was anxious that it should not be said that he had omitted anything in the prisoner's favour. After examining that statement, it would be for the jury to say whether or not they were satisfied that he had the means of knowing, and did know, that Pedro Martinez was a dealer in slaves at the Gallinas. The next question which they would have to decide was, whether this vessel was going to the Gallinas for the purpose of supplying the dealers in slaves with materials for carrying on their business, and for the use of slaves while at that station. If the prisoner knew it, that would be an offence within the Act of Parliament. How were the jury to ascertain whether he knew it not? The goods sent were partly iron pots, which were used in the warehouses to boil rice for the slaves; there were goods proper for barter in exchange for slaves, so that as far as evidence could be laid before them, it would appear that these articles were to be used for trading in slaves. The pri-

soner did not profess that he knew of any trade being carried on at the Gallinas, except that relating to slaves. How could they know what was passing in the mind except by actions? Was this transaction carried on in the way it would have been conducted by any person who did not believe and know that it was connected with the slave-trade? Had there been a *bona fide* open, honest, mercantile mode of carrying on the business? or had there been a concealment of the name of Zulueta throughout the transaction? If a man received goods, and concealed them in a way in which no honest man would, that was evidence that he knew they were stolen. After hearing all the evidence, it would be for them to say whether the prisoner was guilty of the charge imputed to him or not. He could not, however, sit down without saying a few words in reference to an observation that had been thrown out as to who was the prosecutor of this indictment. Although that was a question which did not concern any person, still, there could be no wish for secrecy. The prosecutor was Sir G. Stephen, the solicitor, who instructed him (Mr. Serjeant Bompas;) he was the nephew of a man who deserved the praise and gratitude of all for his exertions to abolish slavery, the late Mr. Wilberforce; and, feeling that it was necessary for some one to come forward as the prosecutor, he did not shrink from the responsibility, and did not shrink from taking all the responsibility upon himself. With that, however, the jury had nothing whatever to do; they must give their verdict solely upon the evidence adduced before them.

Captain Henry W. Hill, examined by Mr. Serjeant TALFOURD.—I formerly commanded the *Saracen*, one of her Majesty's vessels, on the coast of Africa, from 1837 to 1841. She was engaged in the protection of British commerce and the suppression of the slave-trade. In the course of that service I became acquainted with the river Gallinas, which is from 150 to 200 miles from Sierra Leone. There are several small towns on the banks of the river. Nearly all the inhabitants are negroes; the European population consists chiefly of Spaniards. When I first became acquainted with the Gallinas there were barracoons there. Gallinas was within my station from December, 1838, to May, 1841; but I called there in 1837. The barracoons were destroyed by arrangements made by Captain Denman and the chiefs. I was present when they were destroyed. I saw the barracoons distinctly, and the whole slave establishments. The first time I saw them was in 1840. They were used for keeping the slaves in confinement till they were exported, and for other purposes. I have here a plan made by myself. The Gallinas has never been surveyed; this plan is made from my own recollection. It shows the situation of the barracoons before they were destroyed. The first establishment at which we landed was that of Docubocoon. I understood from himself that it was his.

Mr. KELLY.—I object to this being given in evidence against Mr. Zulueta, who never saw the place. If anything is to be built upon reputation as to the pursuits and property of these individuals, I am bound to object. I submit that it can only be done by direct legal evidence of the fact to be established.

Examination resumed.—The barracoons are extensive buildings themselves, and the buildings for the people who attend the slaves are numerous; there are also slave-houses. At Tiendo the slave establishment covers a large space of ground. Each barracoon may keep 500 or 600 slaves. There is a native town adjoining Tiendo. At Jardi I saw nothing but a slave establishment. Casmasaro is an island where there is a large slave establishment. I saw nothing but a slave establishment at Carmatiendo. There is another slave establishment at Paisley. There is no trade or commerce at Gallinas, except slaves. If there had been any other I should have seen it. A native king told me that there was no other trade. I know a merchant named Rola. I never saw him buy a slave or sell one; but I should certainly say he was a slave-dealer, and nothing but a slave-dealer. Jardia is the slave establishment he resides at; I went over his store houses and there was no sign of anything but the slave-trade. I first saw him in November, a day or two previously to going to make some arrangements with the chiefs. There is no establishment called by his name. He is not a negro, but a Spaniard, to the best of my knowledge. I fell in with a vessel called the *Golupchick*, several times, and chased her; but I succeeded in detaining her in April, 1839. She sailed under Russian colours. The person in command was Bernardos. The crew was chiefly composed of Spaniards; there might be one or two Portuguese. She was equipped for the slave-trade. There were more water casks than were necessary: they were *leagores*. She had a sliding cabose for taking a large boiler. She had her hatches covered with temporary planks. There was quite sufficient, according to our treaties with foreign powers, to authorise me to seize her. I seized her, believing her to be a Spanish vessel, although she sailed under the Russian flag. She had been trading for two years, but her papers did not appear. I sent her to Sierra Leone, to have her tried by the mixed commission court; but they would not receive her as she carried the Russian flag, and I then determined to send her to England, that the Lords of the Admiralty might dispose of her as they thought proper, because I was fully satisfied that she was not a Russian vessel.

Mr. Justice MAULE.—You sent her to England to be condemned as a slave vessel? WITNESS.—Yes.

Examination resumed.—In February, 1841, I saw the same vessel under another name. She was anchored at the Gallinas, and I went on board. She was then named the *Augusta*, and was under the English flag. I am perfectly satisfied that it was the same vessel that I had captured before. A man of the name of Jennings was then in command of her. I asked where the ship's papers were directly I went on board.

Mr. KELLY.—I must object to anything that takes place between the witness and Mr. Jennings.

Examination resumed.—I obtained the papers; it is my duty to demand them. I received others afterwards. Those I first received I returned to Captain Jennings. But upon Captain Jennings refusing to answer a question I detained the vessel. I insisted upon having an answer—to whom the vessel was consigned. I took the papers I subsequently obtained, on board my vessel to read them. It was towards the close of evening when I received them. I detained the vessel, and she was afterwards taken to Sierra Leone, where she was condemned. I have seen nothing of her since.

Cross-examined.—I did not land at the Gallinas till Nov. 1840. The river Gallinas extends many miles into the interior, but I never went up more

than about twelve miles. There are several towns on the river as far as I went. I am not aware whether the river is navigable, except for canoes, beyond that distance. I was stationed there for the purpose of protecting British commerce, as well as for the suppression of the slave-trade. I know that British merchandise was exported to a great extent to the Gallinas. I have known British vessels sell part of their cargo at the Gallinas; but I question whether for a lawful purpose, because there was no produce in exchange for it. I never knew ivory and palm oil exported from the Gallinas. I remember a vessel called the *Gil Blas*, but I did not deem it necessary to seize her. I understood the captain of that vessel to say that he sold part of his cargo to a person named Pedro Blanco, who sent me some sheep and other provisions, which I was very glad to accept, not having had any fresh provisions for a long time. I do not recollect a vessel called the *Star*, nor the *Laburnum*: I think I remember the *Melford*, I do not remember the *Supply*. I was continually in the Gallinas during my station on the coast, because it was a noted slave place. I should say the population of the various towns on the Gallinas varied from 200 to 800 or 900; they are not thickly populated by any means. In my opinion British commerce is of great benefit to Africa. I have no doubt that in many places on the coast of Africa, a lawful trade and the slave-trade are carried on by the same persons; but I do not think that was the case at the Gallinas. Persons in my situation are entitled to share in the vessels we seize, and which are condemned. The amount of our shares varies according to circumstances. If a vessel under British colours is seized and condemned in the Vice-Admiralty Court, half goes to the Government and half to the captors, which is divided amongst them according to their stations: the admiral gets a sixteenth, and the captain, I think, one-eighth; but if the vessels are condemned by a mixed commission, the division is different; one-half goes to the nation under whose flag she is sailing. When I first seized the *Augusta*, at the time she was under Russian colours, she was fitted up as a slave vessel. I had about 1,000 miles of coast to cruise over. When I took the *Augusta* the second time, she was not equipped as a slave vessel. When goods are exported, they are sometimes exchanged for doubloons, sometimes for palm oil, ivory, &c. I do not think it is possible to distinguish articles intended for slave-trade from those intended for legitimate commerce. Almost all Spaniards trading on the coast of Africa are engaged in the slave-trade. I never saw any of the house of Zulueta in the course of my travels in Africa.

Re-examined.—When I seized the *Augusta* the second time, I examined her; but she was not equipped for the slave-trade: had she been, I should have seized her as being so equipped. If the slave dealers expect a vessel to come out without equipments, they may obtain the necessary equipments by other vessels. A vessel may be thoroughly equipped for the purpose in about four hours, and 500 slaves embarked in two hours afterwards.

A JUROR.—When you went on board the *Augusta*, did you see any thing which would justify you in saying she was a slaver?

WITNESS.—Certainly not.

Mr. Serjeant TALFOURD.—Have you received any thing from the condemnation of the *Augusta*?

WITNESS.—Not a sixpence. The expenses sometimes swallow up the whole amount.

Mr. JOHN BROWN examined by Mr. PAYNE.—I am a clerk in the Admiralty. I produce a letter, dated 20th of August, 1840.

Captain HILL identified the letter as being one he found in the *Augusta*. He also identified a second letter found at the same time, from which the signature had been cut. Two other papers were also identified.

By Mr. KELLY.—I did not find the papers by searching: they were given to me on board the vessel by the captain.

ABRAO DE PINNA deposed that to the best of his belief the postscript to the letter from which the signature had been cut was in the handwriting of Mr. Zulueta, sen. The letter dated the 20th of August, he believed to be in the writing of prisoner. One of the signatures to the charter-party produced, he believed to be that of the prisoner.

Cross-examined.—I am a notary to the Spanish consulate in this country. The firm of Messrs. Zulueta have maintained the highest character.

Mr. KELLY.—In your opinion, are they persons who would be likely to violate the laws.

Mr. Serjeant BOMPAS said, that was not a legal question.

The witness said, I should think them very unlikely persons to violate the laws. Messrs. Zulueta are very extensive merchants. I never knew a Spanish vessel sailing under the Spanish flag, commanded by an English captain.

The letter signed the 20th of August, 1840, was then read. It was signed Zulueta and Co., and addressed to Captain Jennings, Portsmouth, and was to the effect that they would not give more than 500*l.* for the vessel.

It was then proposed to read the letter without the signature, but

Mr. KELLY said it did not relate to the prisoner, but he would not object to its being read. It was addressed to Captain Jennings, Portsmouth, and alluded to an inclosure for the amount of the vessel, regretting that Captain Jennings had not mentioned the full amount he would require for outfit, as they (the writers) would have sent it at once, and directed the captain to take her to Liverpool.

The charter-party was then read; it was dated Oct. 19, 1840, and was signed by Thomas Jennings, and Zulueta and Co., on behalf of Pedro Martinez and Co., of Cadiz. It set forth that the *Augusta* was to proceed direct to the Gallinas, and there discharge her cargo; after which she was to proceed on any lawful voyage, according to the directions the captain should receive from the consignees, either to America, the West Indies, or elsewhere.

Mr. Serjeant BOMPAS then proposed to read a document referred to in the charter-party; but

Mr. KELLY objected. He said he knew nothing whatever about it, and he did not believe it of any importance; but as it was only signed by Thomas Jennings, and bore no other signature, he contended that it was not admissible.

The learned Judges having conferred together for some time,

Mr. Justice MAULE said the document was not admissible.

George White, examined by Mr. Serjeant BOMPAS.—I served a notice to produce documents, at the office of Mr. Zulueta, on the 20th inst., and left another copy at the office of Mr. Lawford, his solicitor.

Cross-examined.—I am not clerk to Sir G. Stephen, but have been employed by him. I am a clerk in a wine-merchant's office. The notice I served was not signed or dated. I have since served notices at the offices of Mr. Zulueta and his solicitor, which were signed.

Mr. KELLY said he did not intend to object to the notice; he merely intended to offer some observations upon it, to show the manner in which the business had been conducted.

William Thomas, examined by Mr. Serjeant BOMPAS.—I am a clerk in the bank of Messrs. Glyn and Co.; they are Messrs. Zulueta's bankers. In August, 1840, I paid a check or bill drawn by them, of 650*l*.

Mr. Serjeant BOMPAS then called upon Mr. Kelly to produce the check.

Mr. KELLY refused to produce any check, unless it was proved to be a check signed by the prisoner.

The witness said he could not tell whether that sum was paid upon a bill or a check.

Mr. Serjeant BOMPAS.—To whom was it made payable?

Mr. KELLY objected to the question, upon which a lengthened discussion arose, with respect to the production of the check or bill.

Mr. Serjeant BOMPAS then called for a number of documents, and amongst them a letter dated September 25, 1840, being one from Jennings, to which the letter previously read was an answer.

Mr. KELLY said there could be no doubt that Zulueta and Co. had paid for the vessel, as agents for and on behalf of Martinez and Co., of Cadiz; and as to books, papers, and documents, every thing relating to this transaction was in court, as were also all the clerks of the firm, both English and foreign, and ready to give every information in their power.

Another letter was then called for, upon which

Mr. KELLY again said, he should once more object to anything being offered in evidence, or any documents put in, unless such documents were proved to be within the knowledge of the prisoner.

Mr. Serjeant BOMPAS said he was about to prove that the vessel was purchased by the prisoner for 650*l*., and that Jennings and Bernardos were actually present when the money was paid, and contended that such evidence was strictly admissible.

Mr. Serjeant TALFOURD, on the same side, said it was further proposed to prove that the statement made by the prisoner, with respect to the sum paid for the vessel, was untrue in every particular. The prisoner said he acted as the agent of Martinez and Co., who authorized him to give any sum not exceeding 500*l*. for the vessel, whilst it appeared that the sum actually given was 650*l*.

Mr. KELLY denied, in the most positive terms, that his learned friends could prove the least falsehood in the accounts.

After another long argument with respect to the admissibility of the evidence objected to,

The witness, in answer to questions by the Court, said, Messrs. Zulueta had a pass-book, which was made up very frequently, and in that book all checks and bills which had been paid were returned. He had no doubt that the bill or check in question had been returned, but he could not speak positively.

Mr. Justice MAULE.—I thought, perhaps, the witness might know something about the matter, but he appears to know nothing.

The learned Judge then said, that as it was proved that the bill or check had been returned to the prisoner in the usual course of business, and as notice had been given to produce all papers, documents, &c., he thought the evidence might be gone into.

The witness, in continuation, said, the amount was paid with six 100*l*. notes, and a 50*l*., the numbers and dates of which he gave.

Mr. Emanuel Emanuel, examined by Mr. Serjeant BOMPAS.—I reside at Portsmouth. I know a vessel called the Golupchick, which I purchased for a friend for 600*l*. and the auction expenses. I afterwards sold her to Captain Bernardos and Captain Jennings. I cannot tell the exact date, but I believe it was about the 1st of September, 1840. I received in payment six 100*l*. notes, and a 50*l*. note, (these notes were the same paid by Messrs. Glyn on behalf of Zulueta and Co.) I did not receive any papers or documents with her.

Cross-examined.—I bought the vessel at an auction.

Mr. Serjeant BOMPAS said he now proposed to put in the papers of the vessel, which were produced by Mr. Brown, the clerk from the Admiralty.

The cockets were first read; one related to twenty bales of shawls, and the other to cloths, cottons, &c., the produce of the United Kingdom.

Mr. Serjeant BOMPAS then proposed to put in the bill of lading; but

Mr. KELLY objected, and contended that it could not be received in evidence against the prisoner. It not only did not in any shape bear his name, but there was not any proof whatever that he ever saw or heard of it; it could not be made evidence against him.

Mr. Serjeant BOMPAS said the name of Zulueta, of Cadiz, was upon it, but it certainly did not mention the London house.

Mr. Justice MAULE inquired of Captain Hill, whether he found any papers on board which seemed to trace any of the property to the London house of Zulueta and Co.

Captain HILL said he found no papers of the sort whatever, except the letters first read, and none connecting the house in London with the ownership of the cargo. The only papers he obtained had been produced in court.

Mr. Serjeant BOMPAS next proposed to put in evidence some letters received from Captain Jennings by Captain Hill; and to prove the handwriting of Messrs. Martinez, called

Mr. S. G. Martinez, who said, I reside at Hampstead. I know nothing whatever of the house of Martinez and Co., of Cadiz. I am not connected with them, neither do I know the handwriting of any of the firm.

Witness, cross-examined by Mr. CLARKSON.—I know the prisoner, and have known him all his life; he has always borne a most honourable and upright character; he is a good son, a good father, an excellent husband, and an honourable merchant.

Mr. Serjeant BOMPAS then offered the letters in evidence.

Mr. KELLY decidedly opposed any such evidence being given.

Mr. Serjeant BOMPAS and Mr. Serjeant TALFOURD argued the point at very considerable length, and

Their Lordships, without calling upon Mr. KELLY to reply, decided against receiving the proposed evidence.

The further hearing of the case was then adjourned till ten o'clock to-morrow morning.

Mr. CLARKSON applied to have the prisoner released upon bail till to-morrow morning, instead of being locked up in Newgate all night.

Mr. Justice WIGHTMAN granted the application upon the same amount of bail as hitherto being again entered into.

The prisoner was then released from custody.

SECOND DAY, SATURDAY, OCTOBER 28.

Mr. Justice MAULE and Mr. Justice WIGHTMAN entered the court at ten o'clock, when the trial of Mr. Pedro de Zulueta, jun., which had been adjourned from yesterday, was resumed.

The prisoner, upon being called, immediately entered the dock.

The court, as on the preceding day, was crowded. The chief portion of the audience consisted of some of the first merchants in the city of London, and the interest excited as to the result of the trial appeared unabated.

William Thomas Onion, examined by Mr. Serjeant BOMPAS.—I reside at Portsmouth, and know the vessel called the Augusta. I also know Jennings, the captain, and Mottley, his mate. I was on board the vessel for some time. No direct application was made to me to join the vessel. I am a teacher of navigation, and was employed in the Augusta to give the mate instructions. I saw the Captain receive letters; he generally cut the names out.

Mr. KELLY objected to this evidence; it could not be legitimate as against the prisoner on any conceivable ground.

Mr. Serjeant BOMPAS contended that he was entitled to show, by Mr. Zulueta's conduct, that he knew the purpose for which the voyage was to be undertaken. A letter was found on board with the name cut out, and it was important to show that Jennings was receiving letters from the prisoner at the time, and cutting out the names.

Their Lordships decided that the evidence was not admissible.

Examination resumed.—When on board the vessel I found a bundle of deck screws wrapped up in canvass.

Mr. Justice MAULE.—About how many were there?

Witness.—About twenty-two. The deck-screws are for the purpose of fixing the moveable decks. I found the screws in a cupboard in the cabin. I found them accidentally, in consequence of a tureen falling backwards in the cupboard, and on my getting up to reach it I found the screws. I took them out of the cupboard and placed them on the cabin table, and they were afterwards put away by a boy. This occurred about the middle of September, 1840. I also saw some shackles amongst the ballast. I cannot say how many there were, as they were mixed with the ballast. I have been to sea myself, but have left it about four years. There were false tops to the bed places, in which any thing could be concealed. The false tops would not be noticed by any person casually going into the vessel.

Cross-examined by Mr. KELLY.—The articles I have mentioned were calculated, I presume, to carry on the slave-trade. I gained my knowledge of such a fact from Mottley, who had been on the coast for years. I heard that the Golupchick had been sent to England, having been seized as a slave. I reside at Portsmouth.

Joseph Banks, sen., examined by Mr. Serjeant TALFOURD.—I reside at Portsmouth. I recollect the Golupchick being at Portsmouth in 1840. I was employed to take to pieces a number of water-casks, called "leagores;" there were about a dozen of them, which held about 1000 gallons each. I received my instructions from Jennings; he came to my shop, and took me on board. After I took the vessels to pieces I numbered each stave regularly, and packed them up, so that any person could easily put them together again. There were twelve large casks, and about fifty smaller ones.

Mr. Justice MAULE.—How did you mark them?

Witness.—With marking irons used by coopers for that purpose. They were then packed up in as small a compass as possible. When I first saw them they were full of water. When they were packed up I left them upon the ballast; each cask was packed up in a separate parcel. I did the same with some of the smaller casks, but the others were left for use during the voyage. I was engaged upon the work from the 8th to the 19th of September. In one of the small casks I found a quantity of what, when I was in the West India trade, we called "shackles." I did not count them, but I should think there were from 100 to 200 pairs. When I left the vessel they still remained there. The cask in which they were I left where I found it, and it was not taken to pieces.

Cross-examined by Mr. CLARKSON.—I finished my work upon the vessel on the 19th of September. In taking the casks to pieces we sometimes made a great noise. I had my son to assist me, and the vessel's crew were at my command at any time if I wanted them. In the month of August I heard that the vessel had been sold as a condemned slave. When the vessel left Portsmouth I understood she was to go to Liverpool. Several persons came on board whilst I was there, but I did not notice any person particularly. They were chiefly seamen. The hold of the vessel had been fitted with the large casks, and when I took them to pieces I was ordered to stow them in the best way I could upon the ballast. The ballast was iron, such as is generally used for that purpose. There were two shipwrights of the name of Cass on board before I was employed; they were there also after I left. I believe they are not here.

Mr. CLARKSON.—Who called upon you to give evidence in this case?

Witness.—Mr. Greatham, the solicitor. He called upon me last Thursday. When he asked me about this affair, I did not tell him there were other shipwrights on board both before and after I was there. I was not taken before a magistrate, and I am not aware that the prisoner had any means of knowing that I was to be a witness. I did not go with the vessel to Liverpool, therefore it is impossible for me to say that the articles I have spoken about were on board when she left that port.

Mr. Henry George Moon, examined by Mr. PAYNE.—I am clerk to Mr. Vandenberg, at Portsmouth. I recollect the arrival of the vessel

called the *Golupchick*. I think it was in the month of June, 1839, when I first went on board. A person of the name of Bernardos was captain; but she was in charge of the officers of Her Majesty's Government. When I went on shore, Bernardos gave me a letter addressed to Messrs. Zulueta and Co., London, which he requested me to put into the post for him, and I did so the same day.

Mr. PAYNE here called for the above-mentioned letter, which was dated June 10, 1839.

The letter was looked for, but could not be found, and

Mr. KELLY stated that it was in their possession a few days ago, therefore he had not the slightest objection to his learned friend examining any of the clerks as to what had become of the letter, and also, if they thought proper, as to its contents; but he (Mr. Kelly) should not consider any person so examined as a witness in the case.

Thomas James Clarke, examined by Mr. Serjeant BOMPAS.—I am a sailor, and was engaged on board the *Augusta*. I went on board at Portsmouth, and first went with her to Liverpool. Some of the crew joined her at Portsmouth, and others at Liverpool. The crew consisted of about 21 or 22, when she sailed from Liverpool. I shipped as cabin-boy. I had nothing to do with the loading or unloading of the vessel. A few days after we left Liverpool, we encountered a very heavy gale, which lasted a considerable time; we were at that time at no very great distance from Cork and Falmouth, and the wind was fair to take us back to either of those places, had the skipper had a mind to do so; some of the crew said it would be better to go back, but the skipper refused to do so. He said he should lose his crew if he did, and he was determined to go to Spain. We were more than a fortnight before we got to Cadiz. The greater part of the crew were discharged at Cadiz. I believe they left, not in accordance with any previous arrangement, but in consequence of the captain's misconduct. We remained at Cadiz a month, or perhaps two months. The best part of the cargo was there removed into small vessels. There was some tobacco damaged, but some remained on board.

Cross-examined by Mr. KELLY.—I was on board the vessel at Portsmouth; I recollect the large and small water-casks; they were in the vessel when I went on board at Portsmouth, and they were taken to Liverpool, where they were put on shore; but I cannot say whether they were put on board again; I never saw them afterwards. I do not recollect any iron bolts having been thrown overboard at Portsmouth.

Re-examined.—There was a very large quantity of water on board when we sailed from Liverpool—a much larger quantity than is usually taken by a vessel of the size of the *Augusta*. There were several casks of water on the deck, the heads of which were driven in during the gale. I do not know what quantity of water is necessary for a vessel going to Africa.

The Hon. Captain Denman, examined by Mr. Serjeant TALFOURD.—I, for some time, commanded a man-of-war on the African coast; for about eight months I was in constant sight of the Gallinas, and when I was not there myself, I always stationed another vessel to keep a constant watch as to what was going on, and to report the circumstances that occurred. There were six barracoons that I knew of in the Gallinas. There is no fair commercial trade carried on there. The trade is confined solely to slave-dealing. I never knew but one of the slave-dealers, that was, I believe, a person of the name of Ximenes; but he went by the name of Domingo Fernandez. I once saw Rollo; that was the time he was being landed from Captain Hill's vessel, the *Saracen*. I never saw him but that once, and he was then being landed at one of the factories, by a man-of-war's boat.

Cross-examined by Mr. KELLY.—I had opportunities of ascertaining how many towns there were on the river Gallinas. There were four or five at different branches of the river, as far I went. I did not go more than ten or twelve miles up the river. I am positive there was no other business carried on there but the slave-trade. I knew of every vessel that landed a cargo there from April, 1840, till February, 1841. I never heard of a vessel called the *Supply*, landing goods there to the amount of 13,000*l.* or 14,000*l.* I don't say there were not any goods landed there; but I say the slave-trade is exclusively carried on, because there is no produce. There are but two descriptions of merchandise ever taken to Gallinas; one being provisions, and the other clothing, solely for the use of the slaves. The inhabitants had no merchandise of any description to give in barter except slaves. I was in charge of the African station for more than two years, but paid particular attention to the Gallinas for the ten months I have mentioned.

Mr. KELLY.—You have said that nothing but the slave-trade is carried on there; but goods may be sold for money. Do you in your answer include goods sold there for money?

Captain DENMAN.—My answer is, that persons landing goods there must do so for the purpose of slave-trading, because no other trade whatever is carried on there.

Mr. KELLY.—Is there no exportation of merchandise which is paid for in money, and the ships come away in ballast?

Capt. DENMAN.—These are the exceptions, where the vessels are consigned with cargoes from the Havana.

Mr. KELLY.—You mean that others would go and carry their goods and receive slaves in return.

Captain DENMAN.—That is not the system of trade. A vessel is sent, consigned with goods, to a slave-factor, and she sails again in ballast. The freight is paid at the Havana.

Mr. KELLY.—In what way do you make it out that that vessel is engaged in the slave-trade?

Captain DENMAN.—I do not say that the vessel is of necessity engaged in the slave-trade; but the necessary consequence is the slave-trade, and that is the means by which payment is ultimately made.

Mr. KELLY.—It furnishes the means to persons there for carrying on the trade.

Captain DENMAN.—No doubt.

Mr. KELLY.—A person living in England or elsewhere exporting produce there, might get money for it without knowing to what purpose it would be applied.

Captain DENMAN.—Very possibly.

Mr. KELLY.—Have you not had a hand in destroying the slave-factories at Gallinas, and for which actions have been brought against you?

Captain DENMAN.—Actions have been brought against me.

Mr. KELLY.—I do not ask you whether you had any hand in it; but be so good as to tell me when they were destroyed.

Captain DENMAN.—About November, 1840. Gallinas is an exception to the general rule of trading on the coast of Africa. It is the only place where the slave-trade alone is carried on. An English merchant might, not knowing the character and habits of the merchants at Gallinas, send goods there innocently, that is to say, for lawful commerce; but if the cargo was sold for bills or money it would eventually be bartered for slaves. There are many persons on the coast of Africa who carry on the slave-trade, and also a lawful commerce. It is possible that a merchant, not knowing the character of the merchants at Gallinas, might send a cargo to them without having the slightest intention of bartering for slaves. I know that 800 tons of goods were landed there whilst I was there, and the vessel went away in ballast, having received bills or money. None went away with cargoes except those that went to the Havana.

Mr. KELLY.—How is a person shipping goods to various places on the coast of Africa, and to Gallinas, amongst others, to know that that place is an exception?

Captain DENMAN.—Why, if he knew anything whatever of Gallinas, he must know that fact; but of course, if he did not know any thing of that place, it is possible he might not know he was doing wrong. When an English vessel is seized it is taken before an English tribunal; but upon the capture of a Spanish or Portuguese vessel it is taken before the Mixed Commission. I went to Gallinas in 1835; but before that time I was not aware there was such a place.

Re-examined.—I do not believe there are any actual merchants at Gallinas: I believe they are all agents. There are no persons there to whom goods could be consigned except the slave-factors: there is not a white person in the place except the slave-factors. The only exchange the natives in the towns and villages can possibly make for merchandise is slaves; there is no produce there whatever. It is impossible that a merchant who has shipped goods there for 20 years should not know the nature of the trade.

Colonel Edward Nicolls, examined by Mr. Serjeant BOMPAS.—I have been acquainted with the coast of Africa since the year 1822. I was Governor of Ascension Island and Fernando Po. I was five years at each place. I have received reports from more than 200 officers in the navy and commanders of merchant vessels with respect to the slave-trade on the coast, and I sent out a schooner which I had at my command, as governor, to ascertain what was going on at the slave-trading stations. I know the river Gallinas, having visited it in the year 1822, in Her Majesty's ship *Victory*. I remained on the coast till 1834, and during the whole of that time the slave-trade was carried on at the Gallinas.

Mr. Serjeant BOMPAS.—Is there any produce exported from Gallinas?

Colonel NICOLLS.—Not a particle that I am aware of, or ever heard of. The country round Gallinas produces nothing fit for exportation: in fact, the place contains nothing but stones, and trees, and leaves: there is not even sufficient produce to feed the persons who live there.

Mr. Serjeant BOMPAS.—Did you know of the existence of slave establishments there?

Colonel Nicolls.—As notorious as this place is known to be a criminal court of justice here. I was never at Gallinas but once. I know Pedro Blanco by reputation, but not by sight. Those persons always took care to keep out of my sight. I made reports to the officers commanding on the coast, in order to enable them to seize vessels engaged in the slave-trade, but I had no authority to seize such vessels myself. My station was about 1,500 miles from Gallinas.

Mr. Serjeant BOMPAS.—Had you any means of knowing how the slave-trade was carried on there?

Colonel Nicolls.—Certainly; the slaves were not sold for money, but always bartered for British manufactures. I never knew a slave to be sold for money in my life. The slaves were brought from the interior of Africa to the Gallinas, and there confined in the barracoons. Gallinas is the most notorious slave-dealing port in Africa. There is a continual drain there from the interior.

Mr. KELLY objected to these long speeches and remarks about the notoriety of the Gallinas. He did not see how it could bear upon the prisoner. There were many persons in court who never heard of the Gallinas till that day.

Mr. Serjeant BOMPAS.—In order to show the dealings there, we must call witnesses.

Mr. Brown, the Admiralty clerk, sworn: Produced a letter, which was handed to Captain Hill, who deposed—I believe this to be in the handwriting of Bernardos.

Mr. James Brodie, a clerk in the Post-office, deposed that the letter passed through the Post-office, on the 23d September, 1840.

Mr. KELLY.—Why, this is the letter we have had the discussion about.

Serjeant BOMPAS.—We have had no discussion yet. You may now make your objection.

Mr. KELLY.—My lord, this is a letter which is alleged to have been written by Bernardos to Captain Jennings. What has this to do with the prisoner at the bar? Your lordship will find it printed in page 34 of the report.

Serjeant BOMPAS then proceeded to argue the admissibility of the letter. He was about to allude to the nature of its contents, when

Mr. KELLY rose, and said he had again to complain of the manner in which this case was conducted. His learned friend had no right to state the contents of this letter. It was before their lordships, and they could see the contents; and whilst he was making a legal objection to its admissibility at all, here was his learned friend trying to make a statement to the jury which, of course, could not afterwards be removed from their minds. He should protest against his learned friend making any allusion to the contents of this letter, or of any other, until its admissibility had been ruled by their lordships.

Mr. Serjeant BOMPAS denied the charge of unfairness, and then proceeded to argue the point at length.

Mr. KELLY was about to reply; but

Mr. Justice MAULE ruled in Mr. Kelly's favour.

Mr. Serjeant BOMPAS then intimated to the Court that that was the case for the prosecution.

Mr. KELLY then rose, and said he should submit to their Lordships whether there was sufficient evidence against the defendant to go to a jury. The indictment charged Mr. Zulueta with employing a vessel in order to ship goods and do certain acts, the object being a trading and dealing in slaves. That the defendant was a party to the purchase of the vessel there was no doubt; but the great question was, whether there was any evidence of the defendant having any knowledge as to the intended employment of the vessel, or that it was to be used in dealing with slaves. If their Lordships held that because a mercantile house in this great commercial city executed the orders of a foreign house, and shipped certain goods which were lawful, but which it was possible might be unlawfully employed, evidence of that fact were proper to be submitted to a jury, he knew not how any mercantile house could execute any order, or ship goods to any part of the world, for a house partly dealing in the slave trade, or having communication with certain parts of the coast of Africa. If that were to be permitted, he knew not how commerce could be carried on in this country. There was no evidence to show that Mr. de Zulueta had used that ship, or shipped those goods for the purpose of their being employed in the slave trade. The prosecutor was not to make observations, and then call on the prisoner to clear himself; but the case must be made out by affirmative testimony. Such a case might be established, if letters could be produced which had passed between Martinez and the prisoner at the bar, containing something from which the fair inference might be drawn that the prisoner knew that the ship would be used for the slave trade. In this case, however, there was no proof whatever that the prisoner had received an intimation, or that he had given an intimation, that these goods would be so employed. He therefore submitted that there was no case made out, calling upon him—he would not say for an answer, but—for observation.

Mr. Sergeant BOMPAS was about to reply; but after a short consultation with Mr. Justice Wightman,

Mr. Justice MAULE said that the case should go to the jury.

Mr. KELLY begged leave, before addressing the jury, to take another objection, or rather several objections, both to the indictment and to the manner in which the indictment had been supported.

Mr. Justice MAULE said, that having ruled that the case should go to the jury, he could not suffer the same point to be argued over again.

Mr. KELLY respectfully submitted that he was going on totally different grounds.

A discussion took place between the court and the learned counsel, which ended in Mr. Justice Maule saying if Mr. Kelly grounded his application for another hearing upon the fact of his having, through oversight, omitted to put all his arguments forward at first, he might proceed.

Mr. KELLY said that such was the fact. He had inadvertently omitted to urge the arguments which he now wished to place before their lordships.

Mr. Justice MAULE permitted him to proceed.

Mr. KELLY then urged that the act of the 5th Geo. IV. c. 113, only made it felony for a British subject to trade in slaves in a British colony, or within the British dominions, but did not extend to British subjects acting in foreign places, neither portions of the British empire nor British colonies. It did not, and could not, of course, make it a felony for foreigners to carry on the slave-trade, except within the British dominions or colonies. Now, the charge in the present indictment against M. de Zulueta, was for equipping, manning, &c., a ship to trade in slaves at a foreign port, Gallinas not being a British colony or settlement. That he, Mr. Kelly, was right in attributing that construction to the act 5th Geo. IV., was proved by the provisions of the 5th and 7th Vic., c. 98, which appeared to have been framed with a view to rectifying and supplying the omission in the former act. That act (6th and 7th Vic.) made it a felony for British subjects to trade in slaves, or to take any part in the slave-trade in any part of the world; and if the offence were proved against M. de Zulueta, he would be amenable under the provisions of that act, but not in the present case; for the offence, as alleged, took place in the year 1840, three years before the passing of the act of Victoria. The learned counsel argued the points at considerable length, and with great ingenuity.

Mr. Justice MAULE said that he could not attribute such an absurdity to the act 5 Geo IV., chap. 113, as Mr. Kelly suggested was attached to it by the provisions of the 6th and 7th Victoria, c. 98; and with respect to the other objection which Mr. Kelly had taken, on the construction of the 6th and 7th Victoria, regarding the fitting out and equipment of vessels for the slave-trade, he thought there was sufficient evidence that the ship was equipped in London, to go to the jury.

Mr. BODKIN suggested an objection to the impanelling of the jury on the latter remark of his lordship, touching the felony, being charged as committed in London; but after a few words it was overruled.

Mr. KELLY rose to address the Court and jury on behalf of the prisoner. The learned gentleman commenced by observing, that their lordships, having determined that this case was fit to be submitted to the consideration of the jury, he should now proceed to discharge the painful and most anxious duty imposed upon him of addressing them on behalf of the prisoner at the bar: and he should but ill discharge that duty if he hesitated for one moment to denounce this as one of the most unconscionable prosecutions that ever any individual dared to bring forward in an English court of justice. He hoped to be excused if, in the course of his observations, he should express himself with undue warmth, and that, if so, it would be attributed to the anxiety he naturally felt when he knew that all the interests in life—all the happiness here—he had almost said, hereafter—of the young gentleman now at the bar depended upon the verdict which the jury would have to pronounce. The prisoner was a young man, only 27 to 28 years of age. He was born in Spain, of a Spanish family, and was a member of a mercantile firm, of which his father was now the head, and during the later years of his life he had been brought to this country, where from time to time he bestowed his attention upon the business of the counting-house, and so far participated in the extensive commercial concerns of the firm. The transaction in question was but a very small affair among many large matters the house of Zulueta and Co., as agents, conducted, and for it, to his consternation and unspeakable astonishment, the prisoner, a young man of spotless character, whom one of the witnesses for the prosecution had described as a good son, a good brother, and though young, a good father, and an honourable member of society,

found himself charged with a felony, upon evidence on which it would be his (Mr. Kelly's) duty to comment, for which he would be liable, if from the weakness or want of skill of his advocate he should be convicted, to be transported for 14 years, his property would be forfeited, and he would be ruined in character and happiness for life. He would ask at the outset, was this a prosecution that ought to have been brought forward? His learned friend, Mr. Serjeant Bompas, after having opened the case, thought it necessary to rise again, and to announce to the jury that Sir George Stephen was the prosecutor of the present indictment. The jury had before heard from the lips of his learned friend, that the British Government had long exercised its energies and utmost power to put down the odious traffic in slaves. They had learned that the whole of the conduct of the firm with which the prisoner was connected was known both to the present and the former Government. Lord John Russell, whose duty when in office it had been to protect the interests and character of Great Britain with reference to the slave trade, had been a member of the committee of the House of Commons which had inquired into this very transaction. Lord Stanley, his successor in office, had also been a member of the same committee; and, therefore, both the Governments with which those noble lords were connected were officially, clearly, and fully acquainted with all these transactions; and yet the Government, so far from thinking that a case for prosecution was founded before that committee, had freely and completely acquitted the prisoner at the bar of any guilty participation in the matter, as he (Mr. Kelly) trusted the jury would acquit him by their verdict. Not only the Government past and present, so far from dreaming of any guilt, had agreed to a report of a totally different character; not only that, but the Anti-Slavery Society, existing in this city, though fully acquainted with the whole case, had not thought fit to prosecute, and it had been reserved to Sir G. Stephen alone, whose name appeared at the back of the indictment as a witness, but who had not dared to go into the witness-box—to come forward—for what purpose he (Mr. K.) knew not, to prosecute an indictment, which, if it succeeded, must for ever crush and ruin a young man whose character and reputation, he could demonstrate, were above all that sort of suspicion which, though it might be a fit reason for inquiry, ought to be no more a ground for a prosecution for felony, than it ought to be a ground for a conviction without inquiry at all. And what was the charge brought? The young gentleman for whom he (Mr. Kelly) appeared, Pedro de Zulueta, was the eldest son of his father, a gentleman who, though now advanced in years, had filled the very highest offices in his own country; amongst them, that of President of the Cortes (an office equivalent to that of Speaker of the House of Commons in this country); he had been the representative for the city of Cadiz so long as his commercial pursuits allowed him to remain in Spain; and had reached that advanced age without a shadow of imputation upon his character. During the whole of his life he had been engaged in commercial transactions of the largest and most important nature and extent, under a firm of which not only he, but his father and grandfather before him, had been the principals. For seventy years the firm had carried on the most extensive concerns—aye, during a period when not only Spain, but also this country, was engaged in slave-traffic; but the firm had even then abstained from and had not embarked a single copper farthing in the slave-trade. So far from it, it would appear that when, owing to a bankruptcy, some slaves became the property of the firm, Mr. Zulueta, the father of the prisoner, immediately gave them their freedom; in short, at the only time he could ever have been said to have been the holder of slaves, he instantly manumitted them. He, however, now found it was in vain to look back to a long life spent in honour, honesty, and integrity; it was in vain to look back to deeds of charity and kindness, and to a character unsullied, when he found his own son indicted as a felon in a British court of justice, merely for signing his name to one or two documents in relation to a transaction which passed through his mercantile house as commission agents to the firm of Martinez and Co. He (Mr. Kelly) felt he could convince the jury, when he came to refer to the evidence, which had been most unfairly adduced, treated, and perverted, that this was the whole that could be charged against the unfortunate young gentleman at the bar. It appeared that in the absence of his father he signed a letter and another document in a perfectly regular, fair, mercantile transaction, out of which the profit gained by the house was of trifling and trumpery amount, and for these two acts he was now at the bar of the Central Criminal Court, and the jury was asked by its verdict of guilty to fix upon him the crime of felony, and to consign him to the dreadful consequences of such a verdict. He must say that a proceeding of this kind did no honour to the zealous efforts made for the extinction of the slave-trade by Great Britain and by British money. Those who wished their efforts to succeed, who really wished to aid in the great and noble exertions made, would not treat as felons the merchants of this country, who, without having the least reason to suspect anything unlawful, traded with the coast of Africa. Let them by British cruisers seize and secure slave vessels; but let them remember, however, that slavery would not be abolished by the art of war, but by that civilization of which commerce was the basis. Wherever there was commerce there must in time be civilization and moral improvement. Wherever there was commerce there must be commercial people, there must be education, persons to carry on trade, systems of jurisdiction, persons to administer the law, all the best objects of life promoted, and there the slave-trade would cease, not by force, but by the effects of civilization. Before he concluded he would, however, satisfy the jury that there was not the slightest ground for charging the prisoner with lending himself, either directly or indirectly, to that odious traffic at which humanity shuddered, and which no British house had done more to prevent and destroy than had the house of Zulueta and Co., both in this country and in Spain. The charge against the prisoner, in fact, was that he had equipped and despatched a certain vessel, and had shipped certain goods, in order that such vessel and goods might be employed in the slave-trade. He wished that his learned friend (Mr. Serjeant Bompas) had in opening the case been more explicit as to the object of the equipment on which he meant to rely as a ground for the charge. Did he mean that the prisoner despatched the vessel in question intending that slaves should be taken on board? Did he mean that the goods shipped were intended to be bartered for slaves; or did he mean that they were shipped in order to be sold for money, which money was afterwards to be laid out in the

purchase of slaves? Whatever were the object, he trusted that he should be able to prove that the prisoner was innocent. The charge was, in fact, left general, and was that Mr. Zulueta, in some way or other knew, when he, as a member of this firm, took some part in the despatching and shipping the vessel and goods, that the vessel, or goods, or both, were to be employed in the slave trade; but whether by Martinez, or by the consignees, or by Jennings, the captain, his learned friend had withheld even from the jury. Sending goods to be converted into money for the support of the slave-trade, and sending goods to barter for slaves, would constitute an important distinction in law; but he (Mr. Kelly) would make no distinction in fact. On behalf of the prisoner he entirely disclaimed that he had the slightest notion or idea of giving the least countenance or aid, either directly or indirectly, in any place or in any form, to the slave-trade; and he contended, that without unwarrantably perverting the facts from their real sense and fair effect, it was impossible to throw even a shade of suspicion on any part of the previous conduct of the firm. He prayed the jury to consider what the real nature of the transaction was, and to remember that the charge was made from statements given by Mr. Zulueta voluntarily and freely before the committee of the House of Commons. From these statements the circumstances of the transaction were to be collected, and they were these. The prisoner, a native of Spain, of excellent education, of amiable character, and of great intelligence, thought he might be of considerable use to the firm to which he belonged by coming to England. He entered into the concern, and as he spoke the English language much better than his father, he took a prominent part in the conduct of affairs, so far as mere speaking was concerned; but the evidence in the cause showed that the correspondence was conducted, and the orders given, principally, if not entirely, by his father; and it was by mere accident that he signed his name to two documents, not prepared by him, in the ordinary course of the business of the house, which had transactions with almost all parts of the world, but largely with Spain and the Havana. With the coast of Africa, however, the house had nothing to do. It happened that for many years they had transacted business with Messrs. Martinez and Co., who carried on trade with the Havana and Cadiz, and who had also some dealings with various ports on the coast of Africa. Out of transactions to the amount of from between 300,000*l.* and 400,000*l.*, the whole transactions with the prisoner's house in respect to the African trade did not amount to more than 18,000*l.* or 20,000*l.* in the course of ten years; and it appeared that upon some five or six occasions Martinez and Co. had desired Zulueta and Co. to furnish them with this trifling amount of British manufactures, and to send them on board any vessel they might buy to any place on the coast of Africa which Martinez and Co. directed. For their correspondents, Martinez and Co., they ordered goods of their Liverpool house, Liverpool being, as was well known, the great emporium of manufactures in the north of England. The Liverpool house executed that order, put them on board a ship, as Messrs. Martinez had directed, in whatever form seemed most convenient, and from that time Messrs. Zulueta had no more to do with the subsequent disposition of them than any one whom he then addressed. It turned out, at least so said Captain Hill and Captain Denman, that Gallinas had no produce to return for the goods—that there was no trade there but the slave-trade. But Messrs. Zulueta and Co., who had no trade with the Gallinas, who never, until this transaction, had heard of the names of any one of the persons to whom the cargo was consigned, sent the goods to Gallinas, as they would have done to the Gambia, Madagascar, or the East or West Indies, according as their correspondents ordered: they troubled themselves no more about it; but because it was suggested that some persons at Gallinas, connected with the slave-trade, might make an iniquitous use of those goods in that trade, the gentleman at the bar, not his father, whose ancient character for honour and respectability would have preserved him, was to be attacked and charged with felony. He would take the evidence as it was given, and let them consider it apart from his statement; let them also disregard that of the learned counsel for the prosecution. Here was a mercantile house, established for many years in England and Spain, having a correspondence with Martinez and Co. of Cadiz. The defendant, it was said, on the 20th of August, 1840, wrote a letter respecting the purchase of this vessel. It was quite clear that the house of Zulueta and Co. had employed Jennings to treat for that purchase, and that a letter was written in order to obtain the vessel for 500*l.*, if possible; but the evidence as regarded the prisoner was a blank. It did not appear at all that he had interfered directly or indirectly in the matter. However, the vessel was ultimately purchased; it was despatched to Liverpool, and there goods were loaded on board; a charter-party was then made out, in the usual form. It was printed, and the blanks were filled up by the person whose ordinary duty it was to do so, but the name was signed by the defendant, whose father might have been unhappily out of the counting-house at the time, the house of Zulueta acting merely as the agents of Martinez. The evidence before the committee showed, what was never denied, that the house of Zulueta, of which the defendant was a member, and therefore civilly responsible for all the house might do, effected the purchase of the vessel; that it was desirable that Jennings should be captain (he would state the reason in a few moments); that the house also caused goods to be shipped at Liverpool, despatched the vessel, and from that time heard no more about it. If the case rested there it was this,—that Messrs. Zulueta, as the agents of Martinez and Co., had purchased a vessel; that Jennings was made the purchaser, but the charter-party was made out to Martinez and Co., as mortgagees, so as to put the subsequent property in them, leaving Jennings the nominal proprietor—that Messrs. Zulueta, as agents for their foreign correspondents, then shipped a quantity of British goods, and that those goods passed regularly through the Custom-house, and were consigned to the coast of Africa. It was perfectly clear in that case that no guilt or imputation could be thrown on any body. The facts were these:—The defendant had offered 500*l.* for the vessel; the vessel was purchased—he signed the charter-party, and admitted freely and voluntarily that his house, ancient and honourable, without spot or stain, did, as the agents of Martinez and Co., ship goods and despatch the vessel to the coast of Africa; and then, when the prosecutors charged him with a guilty knowledge that that was done for the purposes of the slave-trade, they said,—“We cannot prove that this young man ever wrote or thought in his life about the slave-trade—we cannot prove that he ever said one word to Jennings to do any thing

with the ship or goods connected with the slave-trade—nor can we prove that his foreign correspondents ever wrote a syllable on that subject. What we can prove is this—that he never was at Gallinas; but that Captain Denman, Captain Hill, and Colonel Nicolls say that the slave-trade is carried on there to a considerable extent, and that Rollo, Alvarez, and others are notorious slave-traders; and then we trust that the jury will say, ‘There are goods sent to the coast of Africa (not unlikely, for millions of produce are sent there every year) to a place where three honourable captains say nothing but the slave-trade is carried on, and then it will lie with the defendant to show that he never intended them for that trade.’” Had the defendant known as much as those honourable captains of Gallinas, and that there was no lawful trade there at all, a question might arise in their minds, whether he might not have thought that the goods might be sold for money, and that the money might in some way be used for the purposes of the slave-trade; but they had not proved, and the contrary appeared, that the defendant or his father were ever on the coast of Africa, or knew any thing of Gallinas. “But,” said his learned friend, “could persons who have traded to Gallinas for 20 years have been ignorant that nothing but the slave-trade was carried on there?” What was the fact? Not the defendant only, but the house of Zulueta and Co. had never traded to the value of 1*s.* with the Gallinas—they never had any communication with the place, or any body in it, which could have conveyed to their minds the least information that it was a place where the slave-trade was carried on. But he would tell them upon what his learned friend's question was framed. All that Messrs. Zulueta and Co. had done was, that when they received directions from their foreign correspondents to ship goods to Gallinas, they had put such goods on board, and from that time heard no more about them. Having nothing to do with Gallinas, the jury might have taken a map, and unless it was a large one, might even have been unable to find where Gallinas was. Had Zulueta and Co., been in the habit of writing or receiving letters to or from Gallinas, the nature of the business then might have been collected, but it was no such thing. What the defendant said before the committee turned out to be true; had it not been so, there was abundant opportunity for Sir G. Stephen, whose zeal spared no expense or effort, to have disproved it. It was true, then, that in the course of the last twenty years the dealings of the house of Zulueta with that of Martinez were not less than from 300,000*l.* to 400,000*l.*, and that of that sum not more than 22,000*l.* was for business connected with Gallinas. One great article of trade with Africa was muskets. Now, suppose any person in Spain had written to any of the jury to ship 1,000 muskets to Gallinas, could they dream that by executing such an order they were committing felony? Captains Hill and Denman might know very well that shipping goods to Gallinas was suspicious, because they said the slave-trade was the only one carried on there; but could a person who had no communication with the place, know that? But what was the next fact? Captain Hill, who was doing his best to send that young man to Botany Bay, who had never been there, reluctantly let out that there were places on the coast of Africa to which large quantities of British produce were sent and lawfully disposed of; nay, that at those places there were persons who dealt largely in British produce, and in the slave-trade too. Then he would ask this—If a manufacturer of guns or gunpowder, or even a commission agent in this country, received an order for some guns or powder to be sent to a certain place in Africa, was he, in the first place, to consult a map to know where it was situated, and then go to such a person as Captain Denman or Captain Hill, and ask what sort of trade was carried on there? Was he next to inquire whether the persons to whom the articles were consigned ever traded in slaves? And suppose he did so, and found that such was the case, was he therefore to say that he would not execute the order? If so, it would annihilate one-third of the commerce of Great Britain. And here he would say that this charge of felony must not be matter of suspicion, but they must, to show the guilt of the persons charged, have direct evidence that he knew—not that he might have inquired—but that he really knew the illegal purpose for which the articles were intended. The statute did not say that any one who shipped goods to a slave-trader, or to a place principally or extensively carrying on such trade, was a felon. No such offence was known to our law. If a man shipped goods for the purpose of such trading, then he was a felon; but where was the evidence to prove it against the defendant? It was true that Captains Denman and Hill knew Gallinas was a slave-trading place, but did they know it before they went there? Did his learned friend know it before this case occurred? If so, he was a better geographer than he (Mr. Kelly) was. (A laugh.) His learned friend said a party ought not to shut his eyes to what he was doing. He agreed with that when a party was doing an act that might produce mischief; but he denied that any man who had no improper intention in such an act was bound to inquire what was to be done with any goods he might ship for a foreign correspondent to any place upon the earth. They talked about Messrs. Martinez being known slave-traders—of the admissions in the defendant's evidence that he knew them to be so; he would show them presently that the defendant said nothing of the kind. He spoke at first of the knowledge he had in 1842, but a little further on it appeared that he had learned it since this transaction took place: but suppose he had known that they were engaged extensively in the slave trade, he knew also that they traded largely and lawfully in sugar and tobacco. Was a party, then, who shipped goods to such a foreign house—goods which he could not know would be used unlawfully—to be regarded as a felon? He denied it. If it were so, not only must the house of Zulueta, but every other that traded with houses at the Havana, sacrifice two-thirds of their trade. Before he left this part of the case, let him say that Captain Denman's evidence did not show that the slave-trade was exclusively carried on at Gallinas. He said, and rightly perhaps, that no produce was exported; but were there no means of taking produce there and selling it for money? There was a considerable population in the towns and villages, and might they not, with doubloons or whatever else they had, buy British produce? It was said they could only get money by the slave-trade. He knew not that fact; but where was that to stop, if, before they entered into any pecuniary transaction, they were to trace the money, and see that it had not been produced by some illegal transaction? It must put an end to all commerce. It might be that Rollo or Blanco might have sold 1,000 slaves for dollars; with those dollars he

might have paid a debt to some person, who might have paid another, who might then have purchased goods sent by Messrs. Zulueta. Would the defendant, because such a transaction might possibly have taken place, have been guilty of promoting the slave-trade? Nothing of the kind. As far, therefore, as related to the character and trading of the people at Gallinas, his answer was, that, however well known to Captain Hill or Captain Denman, it was utterly unknown to the defendant. But a great deal had been said as to the mode in which this had been carried into effect; and it had been urged that, because the vessel had been bought really by Martinez, and with his money, while Jennings, though only captain, had been made apparent owner, there was suspicion or concealment about the matter—a false colouring had been given to the transaction—and from this the jury had been asked to infer a guilty intention with reference to the slave trade. Now, was there anything in the whole transaction to justify such an inference? He (Mr. Kelly) hoped some of the jury were acquainted with the Spanish maritime laws; because, if so, they would know that under these laws no Spanish vessel could be commanded by an English captain. Hence it was that Martinez had been obliged to give the vessel an English name, in order that Jennings might be employed. And was there any singularity in his being so employed? It was in evidence that Jennings had been more than once before in Martinez's service—that he was an experienced captain, and a man of considerable courage and some ability; and nothing therefore was more natural than that when Martinez found that Jennings was in England, he should employ him to take the cargo of goods from Liverpool. But then it had been said, that the fact of the bill of lading being made out to Jennings was suspicious. In answer to that objection he begged to mention, that if the goods had been shipped in the name of Martinez, if the bill of lading had been made out in the name of that firm, and if on his arrival at Gallinas, Jennings had found that the consignees were not on the spot, or that the river was in a state of blockade by the British cruisers, which it was well known swarmed in those seas to prevent the slave-trade, he would have had to return to Cadiz to enable Martinez and Co. to alter the destination of the goods; hence it was that the bill of lading was made out to Jennings, so that in case of any such impediment to trade meeting him as he (Mr. Kelly) had pointed out, Jennings, being the person in whose name the shipments were made, would have had complete control over the goods, and could have taken them to the Havana, or have dealt with them as he thought best for the benefit of his owners. It was for this very purpose that goods were frequently sent out under charge of a supercargo; but it seemed that Martinez, having full confidence in Jennings, appointed him captain, and also apparent owner; and, so far from there being any thing irregular or inexcusable in that arrangement, it was the constant custom, as was well known to every merchant, not only in London, but all over the world. If this circumstance were really intended to have been relied upon as a ground for condemning the prisoner, he (Mr. Kelly) should have expected that Sir G. Stephen, acting as a public prosecutor, would have called before the jury mercantile men of some description to prove that the transaction was unmercantile, irregular, and suspicious. (At this period of the learned counsel's speech, Lord Brougham came on to the bench, and, after a few moments' conversation with Mr. Justice Wightman, withdrew.) He (Mr. Kelly) feared he was fatiguing the jury, but he entreated them to bear with him, and to consider, for mercy's sake, what his feelings would be if he left unsaid any thing which might benefit his client.

One of the Jury.—We shall be quite glad to hear all you have to say.

Mr. KELLY expressed his thanks for the intimation, and proceeded.—He repeated his denial of the allegation that there had been secrecy and concealment practised at Liverpool. It was quite impossible that the cargo could have been shipped at that port without the knowledge of the shipping agents, and their clerks, and even the scrutiny and observation of the Custom-house officers; and yet, not one of these persons had been brought forward as a witness by Sir G. Stephen. He (Mr. Kelly) maintained, therefore, that it was idle, and an insult to any man's understanding, to say that there had been any thing like concealment in the transaction. Supposing, however, for the sake of argument, that there had been concealment, still he contended that it would not be of importance in this case, unless it was calculated to facilitate the carrying on of the slave-trade. Would the putting the vessel under British colours, and under the command of a British captain, be calculated to enable it the better to carry on the slave trade? If it would not—if, on the contrary, the employment of English colours and an English captain was likely to be most fatal to its traffic; if it made detection certain, and forfeiture and punishment inevitable, what became of the case for the prosecution? If a vessel sailed under the Spanish, Portuguese, or American flag, it had been proved that there were great impediments and difficulties in interrupting and searching her, and in bringing the perpetrators to justice, in the seizure of the vessel and in the condemnation of her cargo. Captain Denman had proved that he was not permitted to search a vessel under the American flag at all; and with respect to the Russian flag the case was probably the same; but an English captain must at once and with open arms tender his vessel for the search and investigation of any British naval officer, and if infringing the law, might at once be prosecuted in the Admiralty Courts in any of the colonies: whereas if she belonged to another nation, her condemnation would be attended with all the difficulties that attended the administration of justice in almost every country of the world. Yet his learned friend, acting under Sir George Stephen's instructions, asked for the conviction of the prisoner for fitting out a vessel which Captain Denman, Captain Hill, and Colonel Nicolls, all agreed in saying might have been seized and condemned without any shade of difficulty. But there was no evidence to show that the vessel in question had been at all employed in the slave-trade; on the contrary, Captain Hill, who, in his zeal and anxiety to discharge his duty to his country, had not a word to say in favour of the prisoner, took time by the forelock, and seized her before she had time to reach the African shore, and therefore there were no means of drawing an inference as to what was intended. Failing here, the prosecutor said, "We will show that the vessel had originally been built for the slave-trade, and that, while in the hands of Zulueta or of Jennings at Portsmouth, she had on board fittings-up and other articles which were calculated and adapted to make her a slave ship." It grieved him (Mr. Kelly), in referring to this part of the case, to speak in terms

of reprobation of the mode in which it had been conducted—a mode which was unworthy the high reputation and honourable character of his learned friend. Two or three witnesses only had been called from Portsmouth—those had only been recently subpoenaed—they were wholly unknown to the prisoner, and, therefore, he was wholly unprepared for their testimony. To what, however, did their evidence amount? Why, that they saw on board the vessel, after the purchase by Mr. Zulueta, some large water-casks, shackles, bolts, and a few other articles and muniments necessary for carrying on the slave-trade. Was this fair or just? The prisoner was not charged with having thrown away those things and destroyed them and fitting up a vessel which, for aught he knew, was used in the slave-trade formerly; but with loading and despatching from Liverpool a vessel intended for the slave-trade. The prosecutor thought it right to give in evidence what was done at Portsmouth, and there left the case. He (Mr. Kelly) could not trust himself to speak of that mode of giving evidence. If his learned friend wished to prove anything on the subject of these articles, he should have shown the condition of the ship on leaving Liverpool. Then was the time, there the place, when and where the felony, if any, was committed. Not a witness from Liverpool was called, and even Captain Hill had been obliged to say, in answer to a question put by a juror—for which he (Mr. Kelly) thanked him from the bottom of his heart—that at the time he seized the vessel she was not fitted up for the slave-trade. The prosecutor might have called the crew, but he had been content with calling the cabin boy, who had seen nothing and knew nothing of the loading of the ship. They relied only on the witnesses from Portsmouth to give a false impression to the case. He would not notice an observation made by Captain Hill, that it would be easy, when the vessel arrived at Gallinas, to obtain the necessary fittings. It would be easy for a man who had bought a gun, and procured powder and ball, to shoot the Queen. But is the prisoner to be convicted of felony because it would be possible to obtain the means for carrying on the slave-trade when the vessel reached her destination? For what he had done the prisoner was ready to answer, but he (Mr. Kelly) entreated the jury not to condemn him on vague possibilities and mere suspicion. The evidence in the cause would have ended here, but for the extraordinary and unprecedented circumstance of the great body of testimony adduced, unsought and unasked, by the supposed criminal himself before the committee of the House of Commons. To that mass of evidence it would, finally, be his (Mr. Kelly's) duty to call the attention of the jury. The committee had been appointed to inquire into the mode in which the slave-trade at various places on the coast of Africa had been affected by British commerce and the employment of British capital. In the course of these investigations before the committee the house of Zulueta heard that some evidence had been given *ex parte* which they thought threw some reflection on their honour and integrity, and feeling that their honour was involved, and that every member of the house had always zealously abstained from the slave-trade and made every sacrifice rather than engage in it, the defendant voluntarily came forward to give to the committee all the information in his power; not because he knew more than his father, but because he was more conversant with the English language. From the evidence he gave, it was for the jury to determine whether he was a felon or not. The defendant, in the outset of his statement said, that much of the evidence that had been given before was more or less incorrect, and that he would state what had been the nature, "not," said he, "of our trade, for we had no trade; but of our connexion, in shipping goods to the coast of Africa." He begged particularly to call their attention to that, for it showed that the house of Zulueta had never traded to the coast of Africa. The defendant then stated that his house occasionally received consignments of sugar and cochineal from Messrs. Martinez. Now, suppose any such consignment had realized 5,000*l.*, Messrs. Martinez would then have had the option of drawing for that amount, or of taking it out in goods, the produce of Great Britain. Let them elect to do the latter, and request a shipment of British goods to the Bight of Biafra or to the Gallinas. Was there any one of the jury who would have hesitated to do it, or dreamt that by doing so he was guilty? And yet that was all this gentleman, Mr. Zulueta, had done. The defendant in his statement particularly remarked that his house never had any control of any kind from the moment the cargo left this country. The prisoner stated in his evidence, that "if Pedro Blanco had drawn 5*s.* beyond the money in their hands arising from commercial transactions, they should have protested, and in some instances had done so." That proved that Zulueta and Co. had nothing to do with the people or the property abroad. They had received consignments, and were accountable for the money to that extent; they would accept bills or consign goods to the amount, but beyond that they would protest.

The defendant proceeded to say, in his evidence, "the only part we had with the Augusta was simply that which appears from one of the letters, that is, Messrs. Martinez, of Cadiz, had made choice of Jennings to buy the vessel, and lent him the money for the purpose; because Messrs. Martinez wanted him to have the vessel in the trade, for the purpose of taking the goods to their destination." The defendant then referred to a letter from Messrs. Martinez; and here let him say, that in a prosecution for felony, or any other crime, if the prosecutors gave in evidence a statement made by the defendant, and that statement referred to a document, they ought to refer to that document also.

Mr. Serjeant BOMPAS understood that the letter now referred to was one of those which he referred to as in the appendix, and which he offered in evidence—every one—

Mr. KELLY continued.—They would see whether that was so. The defendant proceeded—"With regard to the part that he had to do with this vessel, that appeared by the letter," and that letter he said, his learned friend ought to have put in as evidence. The defendant's statement proceeded—"Jennings was a man who had been some time employed by Messrs. Martinez—they were satisfied with his services, and agreed to lend him the money on the security of the vessel." This then was the solution of the employment of Jennings. His learned friend sought to give in evidence certain papers which were found in 1841 on board this vessel, and which it was now perfectly manifest were put on board at Cadiz, long after she had sailed from Liverpool. He (Mr. Kelly) objected to that evidence, and he should have thought that his learned friend, in arguing upon the admissibility of these letters,

would not have referred to their contents, the effect of which might have been to have fixed the attention of the jury upon some matter foreign to the matter of the trial. But he would now state that the defendant never saw those letters, and never heard of them before they came under his notice in the course of these proceedings; and, whether he was guilty or not, all the acts charged against him had been done months before those letters were put on board. In his evidence before the committee, Mr. Zulueta stated, that "his house had nothing whatever to do with any letters that might have been put on board the *Augusta* after she sailed from this country. Nothing whatever." He (Mr. Kelly) was justified, therefore, in objecting to those letters being read. There was another point of his statement to which he (Mr. Kelly) must refer, because it explained a point much relied on by the other side. It was with reference to the suggestion of the circumstance of the vessel having gone to Cadiz on her way out to acquire other facilities for carrying on the slave trade. The prisoner, with reference to this, distinctly stated to the committee, "It was because she was nearly wrecked on her passage; she put into Cadiz in distress. Captain Hill must have known this, because it is in the log-book of the vessel which he took." He was next asked, "It was not intended, when she left England, that she should put into Cadiz?" Answer—"Most certainly not; all the facts of the case show that she went there because she was obliged." It had been said, Why did not the vessel put into Cork? There was a mutinous feeling among the sailors, and the captain was afraid that, if he put into Cork, they would leave him. If it were intended that she should touch at Cadiz, there was no reason why she should not have done so. It would not have appeared more suspicious than going to Gallinas. Why did not the prosecutor produce the log?

Mr. SARJEANT BOMPAS.—We could not put it in evidence.

Mr. KELLY.—There was nothing to show that running to Cadiz was a previous contrivance. When examined the next day, Mr. Zulueta shows, by the insurance effected, that running into Cadiz was not premeditated; and if the vessel had deviated from her course unnecessarily, the policy would have been violated. In the course of the examination he was asked whether he had bought other vessels for Martinez than those employed in the slave-trade? Answer—"Yes, decidedly so; there was the *Star*, Captain Jennings. That vessel was sent from here to the Gallinas, precisely the same as the *Augusta* has been sent. She delivered her cargo; she went from thence to Cape Coast, I believe, and from thence to Maderia; she received a cargo of wheat; she came back to Spain, and she was sold at Liverpool to a third party, not Martinez, or anybody connected with him; in fact, she was sold for very little. The object of that vessel was just the same as the *Augusta*, to maintain a legal trade with Gallinas: that is within my own knowledge." There were specific facts stated; they had not been contradicted, the answer therefore was true, and was decisive of the case. There had before been an adventure of the same kind as that now proposed, and it had been completed without any thing of an illegal character. The defendant in his evidence also said, that before any goods were put on board the *Augusta* it was the express desire and order of his house that every thing in her fit for the slave-trade should be taken out, and they would not have loaded any thing in her if that had not been done. But then it was said that the vessel was consigned to three notorious slave-dealers. The defendant did not know the name of any one of them. Three captains who knew those persons were called, and hence they were to infer that the defendant, who was never on the coast of Africa in his life, was aware of it. The effect of the whole evidence was this, that the goods having been shipped, and the vessel having been consigned to the coast of Africa, under the circumstances they had heard, the part that was taken by the defendant, a small part, was, as far as it went, perfectly legal. The question then remained, whether he participated in that transaction in order to accomplish the objects of the slave-trade. That question they had to determine. The only mode by which the case could be completed was that which had induced their lordships to determine that it should be submitted to their consideration, viz., the defendant having himself given evidence. "Gentlemen, (said the learned counsel), take that evidence, and, as I am sure you will, consider it fairly and all together. Consider, that if it were false in any material fact it might have been contradicted—if it be true, as you have every reason to believe, what does it prove?—that undoubtedly this gentleman traded, as any merchant who traded with Spain, America, or Brazil, more or less must do, with persons engaged in the slave-trade; but that in all these transactions, as in every other in which his house has ever been engaged, neither he nor his father, nor grandfather, participated in the smallest degree whatever in this nefarious traffic. He did not confine himself to a mere denial, but cited facts. He pointed to the honourable character of his father, and his grandfather, to the high character of his house. He pointed to specific facts; to his father having taken slaves as part of a bankrupt's debt, and granting them their freedom; to the fact of his house having refused to become underwriters in any slave transaction, and he stated that he believed no member of his family was ever directly or indirectly engaged in the slave-trade, but all had earnestly and heartily set their faces against it. Not only does that appear in the evidence of the defendant, but I shall call before you a body of witnesses to speak to his character—some of the most honourable and distinguished men in London, persons engaged in all the branches of trade and commerce, who have known him privately and in business, and they will all tell you—what was told you by more than one witness for the prosecution,—that this young man, and I believe the same may be said of every member of his house, is a good son, a good brother, a good father, a good and honourable member of society—a man incapable of any violation of the law. Such are the proofs I shall put to you, and when I have called those witnesses as to his high and excellent character—rare indeed for so young a man to have attained in a city like this—I shall leave the case with confidence in your hands, knowing that, as all that is dear to him in life, and that which is much dearer to him than life, his honour, is now resting on your decision, it will not be upon vague suspicion, or even upon doubt, if you can entertain it; but upon nothing less than the direct positive proof of guilt, of which he is incapable to his heart's core, that you will convict him. Gentlemen, I sit down awaiting with confidence your verdict, which will restore this gentleman to his family, and the high position in society which he has hitherto so deservedly enjoyed."

Mr. James Cooke.—I am a colonial broker. I have known the prisoner from ten to fifteen years. I consider him to be one of the most honourable men in the city of London. I am in constant connexion with all the most eminent houses in the city of London, including the Barings and Rothschilds, and if I were called upon to select one man more honourable than the others, if that one was to be found, I should lay my finger upon the prisoner.

Sir John Pirie was the next witness called, but, it having been intimated that a great number of persons were to be examined as to the prisoner's character; and the jury having expressed a wish not to be hurried,

Mr. Justice MAULE said, that would undoubtedly occupy some time, and as he should certainly take some time in summing up, it would be better to adjourn at once.

The further hearing of the case was then adjourned till Monday (this day.)

The prisoner was again permitted to put in bail, in the sum of 5,000*l.* for his appearance on Monday.

THIRD DAY.—MONDAY, Oct. 30.

Precisely at ten o'clock the jury, who had been in charge of the officers of the Sheriff since the adjournment of the case on Saturday, were escorted into court; and, on taking their seats in the jury-box, answered to their names. At this time the court was crowded, and some of the principal merchants of the city of London were in attendance.

Soon after ten o'clock, Mr. Justice MAULE and Mr. Justice WIGHTMAN were ushered into court by Sir J. Key, Mr. Sheriff Musgrove, Mr. Under-Sheriff Anderton, and other civic authorities.

Mr. Zulueta was then called, and immediately surrendered, and resumed the place he had, on the two previous days, occupied in the dock.

The following gentlemen were then called, and examined on behalf of the prisoner, by Mr. Kelly, Mr. Clarkson, and Mr. Bodkin:—

Sir J. Pirie stated, that he had known the prisoner for about twelve years, and had always considered him one of the most respectable merchants of the city of London. He had the highest estimation of his veracity and honour, and thought him a very unlikely man to give any encouragement to the nefarious slave-trade.

Mr. Anselmo de Arroyave stated, that he was a merchant, residing in Tavistock-square, and had known the firm of Zulueta and Co. for about thirty-two years, in Spain. He had known the prisoner for the last twelve or fourteen years, and he was esteemed as a man of the greatest honour and integrity. The firm stood second to none in the city of London.

Mr. T. Halifax, of the firm of Glyn, Mills, Halifax, and Co., bankers, stated that he had known the house of Zulueta and Co., between 18 and 19 years, and had become acquainted with the prisoner from 10 to 15 years ago. He believed him to bear the highest possible character as a merchant, and having known him in private life, he had great pleasure in bearing testimony to his amiable disposition and irreproachable character.

Mr. Samson Ricardo stated that he was a member of the Stock Exchange, and knew the prisoner at the bar. He believed him to be an honourable straightforward man, utterly incapable of lending himself to any illegal traffic.

Baron Lionel de Rothschild stated that he had known the prisoner personally for about 10 years, and could bear his testimony to the highly honourable and straightforward character he bore as a merchant and a man of business. He was of a most humane disposition, and perfectly incapable of being connected in any way whatever with such an offence as that laid to his charge.

Mr. Manuel Gregorio de Isasi stated that he was a wine-merchant, and had known the prisoner from childhood. He bore the highest character for humanity, and for the proper discharge of every relation of life.

Mr. José Maria Barrero stated that he was the head in this country of the consulate of Spain, and had known the prisoner 20 years—nearly all his life. His character was altogether unexceptionable, both in the relation of private-life and as a merchant.

Mr. C. Tottie stated that he was Consul-General for Sweden and Norway, and was acquainted with the prisoner, and the firm to which he belonged. Had known the prisoner 14 or 15 years, and considered him to bear the highest possible character for honour and integrity, and to be a truly Christian man.

Dr. Niel Arnot gave similar testimony, and added that the prisoner was held in the highest estimation by all the various Spanish Ambassadors, whom witness had been in the habit of attending professionally.

Mr. Charles Dodd, solicitor, of Billiter-square; Mr. C. A. Dodd, his son; Mr. Christobal de Murrietta, of the firm of Solarte, Aguirre, and Murrietta; Mr. Hugh Sandeman; Mr. W. Gibbs; Mr. Timothy Barington, one of the Society of Friends; Mr. William Tindal, also one of the Society of Friends; Mr. Samuel Jones Lloyd, the banker; Mr. Frederick Huth, Mr. Abraham Mocatta, Mr. Edwin Gower, Mr. George Rougemont, Mr. Joseph Sadler, and Mr. Van Zellar, were all called and examined, and concurred in giving the prisoner the highest character for humanity, veracity, and integrity.

Mr. F. KELLY.—That is my case, my Lord.

Mr. Justice MAULE then summed up. The prisoner, Pedro de Zulueta (said the learned Judge), was indicted for an offence against an act of Parliament made for the prevention of the slave-trade, in having employed a vessel for the purpose of accomplishing objects declared to be illegal by that act—that was, dealing in slaves—and also in having loaded goods on board a vessel for that purpose. Now, although this case had occupied a very considerable portion of their time on Friday and Saturday—about fifteen hours—yet the evidence was not very long, and the points to which it went were not very numerous, and as that evidence had not occupied much above four hours, it would not be necessary to add much to the time they had been already engaged. The offence with which the prisoner was charged was put in those two shapes—that of employing a vessel, and of loading goods on board, for the purpose of accomplishing objects prohibited by the Act of Parliament—that was, for the purpose of dealing in slaves. The charge did not necessarily require that it should be proved that the ship in question, the *Augusta*, was intended to be used for the conveyance of slaves from the coast of Africa. If there were an adventure, the object of which was that slaves should be brought from the coast of Africa, and if this vessel were despatched and em-

ployed for the purpose of accomplishing that object, although it was intended to accomplish it otherwise than by bringing home slaves in that vessel, still it would be a matter prohibited by the Act; and so if goods were loaded for the purpose of bringing back slaves in the vessel in question, or in some other way, or whether that were a matter left undecided at the commencement of the adventure, and to be determined as might be found convenient for the accomplishment of it—in any of these cases, the crime charged in this indictment would be committed—the prohibition of the Act would have been violated. The Act would have been very imperfect indeed, if it had prohibited slave-trading, and had not prohibited any dealing of that description, except when the same vessel was to bring home slaves, or, at all events, went out for the purpose of carrying goods which were to be bartered for them. They had heard from one of the witnesses—one honestly conversant with what took place at this slave coast of Africa—that it frequently happened that slaves were brought home in a different vessel from that which carried out goods, which were the funds for the purchase of the slaves. That was the nature of the offence, and he did not think there would be any very great difficulty in some of the preliminary questions which must of course be considered on this occasion. One was, whether the prisoner at the bar did at all despatch or employ the *Augusta*, or did at all load any goods on board; because, although a person might employ a vessel and load goods on board quite innocently, and by no means conclusive of his guilt that he had employed the vessel or loaded goods for the purposes alleged in this indictment, yet, if it had not been shown that the prisoner at the bar did employ the vessel and load the goods, the inquiry would have been stopped, because the motive never could have been brought in question, and there would have been an end, or perhaps no beginning, of the inquiry. But with respect to that part of the case, he supposed there was no doubt, as none seemed to be made by the prisoner, who did not dispute that he employed this vessel to load goods on board. He said that he did it as the English agent of Messrs. Martinez and Co., and that he did it without knowing what the purpose was for which the vessel was employed, if it were employed for the slave-trade; and that he did put goods on board, a considerable cargo, as appeared from the dockets in evidence, to some thousands of pounds; and the vessel was despatched with the knowledge of the prisoner, through his agency, to the Gallinas, on the coast of Africa. So much did not seem to be in dispute. Then the matters in dispute were two. The first was, whether this vessel was despatched for the purpose of the slave-trade at all, and if not, there was an end of all question; because, if there were no intention of slave-trading, neither the prisoner nor any one else was guilty of the violation of the law charged in this indictment. One question was, whether there was a slave adventure contemplated by the ship *Augusta* on her voyage to the Gallinas. Unless, therefore, they decided in the affirmative that a slave adventure was contemplated, there was no case made out against the prisoner. It had been contended on the part of the prisoner, not in a separate form, he thought, but rather mixed up with the other parts of the case, that it was no slave adventure at all—that the ship went to the Gallinas loaded with goods, not for the purpose of dealing in slaves, but either without any purpose at all, or for some lawful purpose. It must have gone either to deal in slaves, or else for some other purpose of dealing, or else without any purpose of dealing at all. They could not say that there were any other than those possibilities. Now, it was contended, that at any rate the ship did not go for the purpose of the slave-trade. If they were of that opinion—that no slave-trading was contemplated by anybody, that that was not the object of the voyage—there was an end of all further question. But supposing that they should think there was a slave-trading in contemplation—that this vessel went out to the Gallinas upon a slave adventure—still, however they might be convinced of that, there came the important question—and an important question it was—the only question to which the evidence as to character went, whether the prisoner was cognizant of the fact. Now, he thought it clear from the evidence that the Gallinas was a place—described by three witnesses of great experience, two of them captains in the navy, and the third a colonel who was governor of a district in the neighbourhood, the employment of all of whom was mainly to watch the slave-coast, and of which Gallinas formed a part, and to contribute to put down the slave-trade—they had heard, he said, from those witnesses, that the Gallinas was a place of slave-trading, and of no other trade at all. It seemed that the Gallinas was a river navigable for vessels of some size for ten or twelve miles, interspersed with islands; and that there were, until they were destroyed some time ago, about six establishments, called barracoons, which seemed to be very large barns or buildings, in which 500 or 600 negroes were confined, when they were brought from up the country, until they could be exported in vessels carrying on the slave-trade. Those barracoons had, as appendages to them, store-houses for the various stores wanted for the negroes, and a few places of residence for the Europeans, from fifteen to thirty, who lived there. There was nobody else, nothing except two or three negro villages or towns, not places of any trade—there were no inhabitants but these uncivilized people. The country produced nothing, and exported nothing, but slaves. That was the description given of the place. It was said, and he thought with great probability, that the Gallinas was not, and is not generally known as, a slave-dealing place: in fact, it seemed to be not generally known at all; but it seemed to be a likely place where any other description of felons might resort to concert their schemes and hide their stolen goods, not likely to be known to any honest persons except to those employed as police in aid of justice, such as these captains were, and would not be spoken of even by those who knew it very well. There might be slave-dealers in London who might know it well, but who would not talk about it—who, in fact, would hardly mention it by name in speaking to one another. It was really very probable, therefore, that the place was not generally known. When any one spoke of it, it would only be as lying on the coast of Africa; and a person might be very conversant with Africa and its geography, and yet, not being connected with the slave-trade or putting it down, might not know where the Gallinas was, and very likely there might be a Gallinas in other parts of the world. But that it was itself a slave-dealing place, and nothing else, appeared very clear, he thought, on the part of the prosecution. There might be probably several persons, honest, unslave-dealing persons, that could be called, who knew best about it, and who would give it that character and description, and distinguish it from other parts

of the coast Africa, because there were on other parts of that coast places where slaves were sold as one article of export, and yet other things, as palm-oil, which he believed was the principal thing, and ivory and wood, were sold in immense quantities; but that was not the case with the Gallinas. Goods might be sent to other parts of the coast, and it might be intended to purchase slaves, or bring home palm-oil, or ivory, or wood, and not to have anything to do with slaves. But it was difficult to see what a person having a cargo of goods taken to the Gallinas could intend to do with them, except to have them employed in the slave-trade. He could not intend to leave them without any trade; and if there were a plain obvious conclusion of a person carrying goods to such a place as that, it seemed to him clear that they were carried there for the purpose of the slave-trade. If that were the simple and obvious inference, then he thought it must be held that this was a slave-adventure, unless the contrary were proved. Possibly the adventure might be innocent, and not connected with the slave-trade; but if it were, nothing was easier than to prove that Messrs. Martinez and Co. innocently engaged in this adventure, and that it was honest. If, however, it were dishonest, then it could not be expected that Messrs. Martinez or anybody about them would be called—it was, indeed, not practicable. But if innocent, it was very easy for it to have been proved. It was true that persons were to be convicted, not by imputations not proved, but upon evidence against them—not upon suspicion, but proof; but when such evidence was offered of trading with slave-traders as was offered here—namely, that the vessel was loaded with goods, and was despatched to a place where slave-trading was the only known object for which vessels ever went—a slave mart, and nothing but that, as far as was shown—when they had that case, although an answerable case, yet if the answer which could be easily given was not given, he thought it might be very fairly inferred that that vessel proceeded on a slaving voyage, either for the purpose of bringing home slaves, or of landing goods for the purposes of the slave-trade. That was the first question they would have to consider—viz., whether, considering the nature of this case, and that the vessel was chartered to go from England to the Gallinas, upon the coast of Africa—that being the place, and the only place, mentioned in the charter-party for the outward voyage—for after going to the Gallinas, the charter-party went on to say she might be employed at the West Indies, or at Madeira, at the discretion of the charterers—the first question, he said, they had now to consider was, whether in their judgment, upon this occasion, the vessel did not sail for the purpose of being employed, or having goods on board to be employed, in trading for slaves. If they were not satisfied of that—if there were any doubt—they need not trouble themselves any further, but the prisoner ought to be acquitted. He would not read over the evidence which established the facts he had mentioned—namely, of the purchase and the charter-party; they had heard that read, and they had also heard what the prisoner said in his evidence, that he did despatch the vessel, and that his house were the agents in sending the vessel abroad, and of putting the goods on board; and they also had heard what these captains had said at great length. He need not, therefore, read that evidence over. (The Foreman.—No, my Lord.) If, then, they were satisfied that it was a slave-trading transaction, the second and important question was, whether the prisoner was cognizant of that matter. It was certainly a very grave and serious charge, and one of a highly penal nature. It was, however, down to a recent period a lawful trade, and many persons in this country, and men of very good character, did certainly engage in it. A great many persons justified it, and he supposed they would say, it was merely a prohibited thing—a regulation of trade, made and enforced by very severe penalties by this country; but that dealing in slaves in itself was a lawful, right, good, and proper thing, that ought not to be prohibited. Many persons might, even now, consider it only as a thing prohibited by positive regulation. However persons might deny it, there was a practical distinction. There was no one who, in point of feeling and opinion, did not perceive the difference there was between a thing which was prohibited by positive law, and that kind of thing which, if there were no law against it, the natural sense and conscience of mankind would revolt against. This trading in slaves was, in the opinion of a great many people, and, as he thought, rightly so, in itself an abomination—a thing that ought to be regarded with the greatest horror, whether prohibited or not. But those who thought it was right, but prohibited, would probably not think it so very bad, if committed now, although it had been prohibited by law. Of course, these points had some bearing upon the question of how far the consideration of character would have weight with respect to such offence. It was necessary, undoubtedly, on the part of the prosecution, that there should be a case made out of knowledge on the part of the prisoner of the purpose for which this transaction was entered into. With respect to that, the evidence, taken partly from what the prisoner said before the House of Commons, and what was in evidence in that court, was, that the house of Zulueta and Co., (of which the prisoner appeared to be an active member—with the whole proceedings in this matter he appeared certainly from his own statement, and from the fact of his giving an instrument connected with the transaction, to have been quite conversant—were the doers in this country apparently of whatever was done with respect to this vessel in this country; that the vessel had been called the *Golupchick*; that she had been captured, fitted up as a slaving vessel, with apparatus for that traffic; that she was then brought to this country and proceeded against, and ultimately sold—whether sold under a condemnation, and whether that was effectual or not was not material, and did not positively appear. It was said the Russian Government claimed her, and she was given up to that government; but it appeared that she was sold at Portsmouth, and that Mr. Emanuels, of Portsmouth, or some friend for whom he acted, bought her for 600*l.*, and the expenses about 30*l.* more; that she was then bought with money furnished by Messrs. Zulueta and Co.—it did not exactly appear by whom, but according to the evidence one would say by Jennings, who was employed as captain in the voyage in question, for 650*l.*, a letter having been previously written by the prisoner's house, stating to Jennings they could not give more than 500*l.*; that ultimately 650*l.* was paid for her, and upon the occasion that the money was paid, the witness who was examined said he sold her to two persons, Jennings and Bernardos—Bernardos being with Jennings—they were together, and paid the money. Probably one must not take that quite to the letter, this being a ship sold, not by

means of a written instrument, as being the subject of a British registry, but sold as any other chattel might be sold, as a horse or bale of goods, merely by agreement between persons verbally, that the one should have the goods, and the other the money; and the goods and money being handed over, the seller carrying away the money, if he saw two or three or a dozen persons present when the money was paid, leaving them to determine who was to have the goods. Mr. Emanuel, the witness called, seemed to have thought that Bernardos and the other bought the vessel; but it seemed by the charter-party that the other party (Jennings) was the only purchaser. Then, according, he thought, to a representation made by the counsel for the prisoner, the real purchasers were Martinez and Co., who wanted Jennings for some purpose, as a sort of colourable owner; as an Englishman could not, according to the laws of Spain, command a Spanish vessel. Jennings was to be made apparently owner, and that was the reason suggested for it, as desired by Messrs. Martinez. There was at the end of the charter-party a recital, "That whereas the owner Jennings was indebted to the charterers in certain sums of money, as appeared by an acknowledgment elsewhere, the earnings of the vessel should be a lien for the money." Now, that referred to another document, which other document, if they had it, would throw some light upon the transaction; which document was called for by the prosecution, but was not forthcoming. The circumstance of Jennings, the commander, being made owner for the purpose, in apparent consistency with the law of Spain, might, perhaps, account for what might on the part of the prisoner be thought inexplicable, on the supposition that any slave-trading was intended: because, they said, if it were not intended, why not have a ship with a Spanish owner, or owned in some other foreign way? Because then, although perhaps within the terms of the treaties there might have been a power of search on the part of British cruisers, yet no power was given by any treaty which was not naturally enough watched by the party giving that power, and which might not be exceeded by those who executed it, who were not lawyers but only sea captains; and it might be much more convenient, in the event of a search, to have that sort of difficulty thrown in the way than a total absence of all difficulty, which undoubtedly existed where a ship purported to be British-owned. But then, if Jennings were an adventurer, and if he were, as was suggested, a clever intelligent person, very competent to the kind of thing to be done upon this occasion—a competent master of the vessel—supposing that slave-trading was intended, evidently requiring qualities such as he was sorry to see employed so ill—the qualities of courage, sagacity, firmness, presence of mind, and, in short, qualities not easily found; and unscrupulous readiness to employ them to commit a serious felony for the benefit of the owners employing him—a quality not to be found in everybody—a man of that description, he said, would be a paramount object, the aim of a slaver being, whoever the owners might be, to elude all search, to contrive to manage the thing so that no cruiser of any country should stop her; and if such an adventure succeeded, it must be by eluding or altogether escaping search. They saw, therefore, why, consistently with the purpose of this voyage, supposing it to be a slave-trading voyage, the vessel might have been English-owned. The vessel was purchased, the sale was negotiated, in the first instance, by Messrs. Zulueta. They said they did it for Messrs. Martinez, the charterers. The vessel was bought by either Jennings or Bernardos, Bernardos having been the captain when the vessel was called the Golupchick. Whether Martinez, or Jennings, only bought the ship, the transaction appeared to have been managed by Messrs. Zulueta, and nobody else. Then came the transaction of chartering the vessel: the vessel was chartered, subject to that proviso at the end, and that charter was negotiated entirely by Messrs. Zulueta. He would suppose there were such persons as Messrs. Martinez and Co., and it might be fairly taken that there were. The evidence of there being such persons was, that the prisoner said so in his evidence before the House of Commons. The negative, if it were not true, was a thing easily proved, and yet had not been proved. And here he felt that the observation made by the learned counsel for the prisoner, upon the statement of the prisoner before the committee, was well-founded, as far as it applied to that particular part of the evidence, that if it were not true, the contrary must be proved; though that was not true to the extent the learned counsel went, because there might be many statements in that evidence before the House of Commons, which the prosecutor would not have been allowed to prove untrue—he meant all those not connected with this particular transaction—there were many things in that evidence which, he apprehended, if false, it was not competent to the prosecutor to prove false in this transaction; yet, he said, that not being the case with regard to this circumstance of the existence of Messrs. Martinez, he thought it might be assumed from the evidence that there were such persons, and that they appeared to have agents, Messrs. Zulueta, in this country; and taking that to be so, whatever was done by Messrs. Martinez in this country was as much done by Messrs. Zulueta and Co., as if they had done it for themselves. They negotiated the charter-party, despatched the vessel, and put on board the goods. These goods appeared from the cockets to have been entered in the name of Jennings, but he did not know that that was a circumstance of any suspicion; it was not proved to be out of the way, and he did not see any good reason for suspecting its integrity. However, that was for them to consider. It seemed to him, therefore, that they (the jury) stood in a very different situation from that which was put a considerable number of times by the learned counsel for the prisoner, viz., in the situation of a person who was simply a manufacturer and dealer in goods, and who had a quantity of those goods ordered. Such a person might say, supposing it to be an order for gunpowder, "Where shall I send it?" and the answer might be, "Oh, send it on board the Augusta, now at Liverpool." It would be a strong thing to infer from that circumstance that the person sending the gunpowder had anything to do with slave-trading; but that did not seem to be this transaction. Supposing there was a slave-trading, all the slave-trading that was done in this country was done by Messrs. Zulueta & Co., they appeared to have no other agent, and not merely did they have some goods sent on board the ship, but they chose the number of goods, and sent on board the goods they themselves bought, and made out the charter-party as the vessel proceeded to the Gallinas, on the coast of Africa. That was, he thought, pretty nearly all the evidence there was in the case. There was, first, the evidence of the captains on the subject whether it was a slaving voyage, and then there was the

conduct of Messrs. Zulueta and Co. in buying the vessel, loading it, and despatching it to the Gallinas. Messrs. Zulueta were no doubt merchants of very great and extensive connexions and concerns, and the prisoner particularly was a person of great knowledge and education; and generally speaking one would say, that as merchants (though this was matter for them to consider, he did not know it could be put higher than this) they were persons of great skill and experience; they had the sole management and direction of the vessel for the voyage to this particular place; that place not being without suspicion, the vessel also being one that had been used for the purposes of the slave-trade—not but that a vessel might be used innocently afterwards—still that circumstance had directed their attention a little to that matter, and they particularly directed, it appeared, that everything connected with the slave-trade should be taken away before she was despatched; and he should certainly say that that would be done whether the vessel was going on a slave expedition or not, because before sending out a vessel, it was stated that the officers of the Government always examined it, particularly before any vessel went to Africa. Probably that was so; it was so stated on the part of the prisoner, and therefore it was quite a matter of course, that if a vessel was intended for the promotion of the slave-trade, she would not go out with any slave apparatus, shackles, or leagores, on board; if they were on board, the vessel would never get along the bar of the Mersey; as to getting to Africa, that was quite out of the question. He thought, therefore, that the circumstance of the shackles, and those great tubs called leagores, being found on board at Portsmouth, was not anything at all to help on the case for the prosecution, because, undoubtedly, the vessel had been a slaver, fitted up for the purpose, and all those things naturally on board; and as naturally, whether intended for the slave trade or not, they would have been taken away; and they (the jury) would find that that was so. The circumstance, therefore, of their being on board when the school-master and cooper saw them at Portsmouth, was a circumstance that did not appear to him to be anything against her; but, on the other hand, the circumstance of their being taken out and landed did not appear to him anything for her, because those two things would take place, whether the voyage was innocent or guilty. He had not before adverted to these things being on board, and he only mentioned it now because, although it seemed to him to have no weight in fact, yet, as it might have a colourable weight on the part of the prosecution, and might have been brought in for that purpose, it appeared to him that they were not to lay any stress upon it. He had already observed, that though people in general might not be well aware of this trade, still persons not extremely simple, but skilful and experienced individuals, might be taken to know what had been the object with which the voyage had been undertaken, particularly when they themselves had been the agents, buying, chartering, loading, and despatching the ship for that very voyage. It might be that the object had been concealed from them, or that they might not know that certainly this voyage to the Gallinas was a slave expedition; it might be that simple persons who had no special acquaintance with trade, might not even know where Gallinas was, or that it was on the coast of Africa, and that a shipment to such a place would not speak to the mind of an ordinary man that it was a den where slave traffic, and nothing else, was carried on. But this vessel had been sent out and despatched by skilful persons, who had negotiated the whole transaction. Again, people generally must be taken to know what they were about, unless they could show some concealment—some hindrance to their knowing that this was exclusively a slave trade place, as it really seemed to be. But supposing a case was made out which required an answer—supposing that there was a slave-trade, and that a vessel was employed and loaded for that business, that certainly would be a case, to a certain degree, of presumption against a person who conducted the affair, and one would be very glad if a good answer in point of fact had been given in the present case. It had been said on the part of the prisoner, first, that this was not a slaving voyage; now, if it were a slaving voyage, there being a case to answer, the answer might exist, though it would be impossible to give it; but supposing it were not a slaving expedition, the answer might be given with the greatest ease, and no reason had been suggested why that answer had not been given. If the firm of Martinez and Co., having a house at Cadiz and another at the Havana, had not themselves sent out this vessel for the purpose of the slave-trade—if they were quite innocent of the matter, then one or all of them, or some of their clerks, might with the greatest ease have been called. The jury would observe that there was no want of funds for the purposes of the defence, and any one of those individuals would have put an end to the matter almost in a word. They could have said, "these goods were never intended for"—and could have filled up the blank in a satisfactory manner, and have shown the purpose for which they were shipped, and thus the whole question could have easily been answered. Now, that answer had not been given. Supposing the jury should be of opinion, however, that this had not been a slave-trading expedition, then there would be an end of the case; but supposing they should be of a contrary opinion, then they would come to the anxious and important question—namely, whether the prisoner was cognizant of it. It had been alleged that the prisoner was not the exclusive manager of the concerns of his house; it was not likely that he should have been so. Still, so far as appeared, he had full cognizance of this particular matter; but, considering the great and exclusive part taken by the firm (of which the prisoner was one member) in the transaction in question of despatching the vessel—supposing, on that consideration, the jury should think the case was one which required an answer to be given to it, then it would be for them to say whether they might not have had an answer, if any answer existed. The prisoner was not exclusively cognizant of the transactions of his house—there were, it appeared, two other partners—there were, besides, the clerks and various persons employed by the firm, all or any of whom might have been called. But the defence was, that the character of the house was so high, and the gain arising from the transaction for the house of Martinez and Co. so extremely small, that it could not be doubted the firm and the prisoner were wholly without blame. With regard to the latter point, he (Mr. Justice Maule) did not suppose the jury would think that, for the paltry gain arising from the particular transaction, the prisoner would have been party to anything improper; but it must be borne in mind that Martinez and Co. were valuable correspondents in reference to good and unobjectionable business, and it was possible

that such a firm, having a large and valuable business, might have some small portion which the agent would willingly get rid of if he could, but that he would not be allowed to pick and choose, and therefore he must take all in order to keep his correspondents. But the smallness of gain was one of the grounds upon which the defence was put. The other ground was the high character and reputation of the firm. Now, inasmuch as it appeared there were two other partners besides the prisoner, and as probably there were some others acquainted with the business of the house, there arose this consideration—it was quite true, that supposing there was a case of slave-trading, but that the prisoner was innocent of it, he could not call Martinez and Co., as witnesses, because they would not be innocent parties, and besides they were out of this country, and it could not be expected that they would be willing to come to that Court and say, "We are slave traders, but we disguised and concealed that fact from Zulueta and Co.;"—but supposing the jury thought the case required an answer, there could have been no difficulty in calling the prisoner's two partners and other parties conversant with the business of Zulueta and Co., to prove that they knew nothing whatever of dealing in slaves, that they had not the least suspicion that Martinez and Co. were engaged in that traffic, and that Martinez and Co. had never communicated any thing of the kind to them. All this the partners could have proved, and it was extremely desirable it should have been done, if the defence existed in point of fact. In short, there were two modes of answering the charge. The one was this—the prisoner called a great number of persons to show how very unlikely it was the firm, from its high character, should engage in such transactions; the other was, to call two, three, or four persons to show, that even if Martinez and Co. were guilty, the prisoner did not know it. The former of these two modes had been adopted, and the jury had now the whole case before them. He did not think it necessary to go further into the evidence, having stated sufficiently its sum and effect. If the jury, therefore, were satisfied that the voyage in question was a slave-trading expedition, it would then become their duty to consider whether the prisoner was cognizant of it, and shipped the goods for the purpose of accomplishing the object of slave-trading; and in considering that point they would give such weight (subject to the observations he had made with respect to the defence which might have been made) as was due to the very high character the prisoner had received—a character which would be very strong and almost conclusive evidence, supposing the case did not admit of an answer in point of fact; but if a man had the means, when charged with an act, of showing he did not do it, but instead of that merely said, "I will show it is extremely unlikely I should do it," it was for the jury to say how far they attached weight to that mode of defence. The case was, however, entirely in their hands. They must be satisfied that slave-trading was contemplated, and that the prisoner was cognizant of it, before they could pronounce a verdict of "guilty."

One of the jury inquired whether they could find a verdict on any one count of the indictment?

Mr. Justice MAULE replied, he did not see that it was necessary the jury should trouble themselves with any particular count. The great question for them was the knowledge and intention of the prisoner; there could be no doubt he both despatched the vessel, and loaded the goods.

The Jury then retired, and the prisoner withdrew to a seat at the back of the dock, and maintained during the absence of the jury the same calmness and composure which characterized his demeanour through the entire proceedings.

After an interval of upwards of an hour and a half, the Jury returned into court, and through their foreman, delivered a verdict of *Not Guilty*. The announcement was received with loud cheers from all parts of the crowded court, which were, however, subdued by the officers. The prisoner stood unmoved; his counsel (Mr. F. Kelly), as soon as the verdict was pronounced, immediately rose from his seat, and most cordially shook hands with him.

Mr. Serjeant BOMPAS, addressing the Court, said, that there was another indictment for a minor offence against the prisoner, but as it involved the same facts, and as he believed the same result would follow as that just announced, it would not be proceeded with. In making this statement, he could not avoid alluding to an observation which had been made in reference to himself by his learned friend Mr. Kelly, in the course of his address on behalf of the prisoner. It had been said that he had withheld letters and documents that were essential to the prisoner. On behalf of the prosecution, and of himself, he (Mr. Serjeant Bompas) begged to state that none of the letters or documents would in the slightest degree have been useful, or he would have produced them.

Mr. F. KELLY begged to state (and he did so with the utmost possible sincerity) that he had never intended to say any thing personally reflecting upon his learned friend, than whom no gentleman at the bar was more undeserving of any personal observation.

The jury were then again sworn to try the second indictment, and the prisoner was again given in charge.

Mr. Serjeant BOMPAS stated that no evidence would be offered on the part of the prosecution.

The jury immediately returned a verdict of *Not Guilty*.

Mr. Serjeant BOMPAS.—This has been a case of great importance, and heavy expenses have been incurred. Will your Lordships allow the expenses?

Mr. Justice MAULE.—Yes, I think it was a very proper matter to be investigated.

THE extreme importance of Mr. Zulueta's trial must excuse us to our readers, for the omission of much matter which had been intended for this number.

The Anti-Slavery Reporter.

LONDON, NOVEMBER 1, 1843.

The trial of Mr. Pedro de Zulueta, (to a very accurate report of which, prepared expressly for this paper, we have devoted a large part of our columns to-day,) is one of the most important events, in

relation to the Anti-slavery cause, which has occurred of late years, and cannot be contemplated by the friends of humanity without the deepest interest.

It has long been matter of notoriety that the Act of 1824 for the more effectual suppression of the slave trade has been extensively—not evaded merely—but violated by British merchants, who have in various ways administered to this nefarious traffic a support without which the foreigners engaged in it could not have carried it on. Every now and then cases of this sort have been so flagrant, and so loudly denounced by naval and other functionaries, that the Government have felt themselves almost under a necessity of instituting a prosecution. Such was the case in the present instance. So long ago as November, 1842, some of the law officers of the crown were engaged in inquiring whether an indictment ought not to be preferred against Pedro de Zulueta; and in March of the present year the consideration of the same question was resumed. The papers necessary to such a step were even put into the hands of the Attorney and Solicitor General; but why they did not proceed with the case we are unable to say. In the course of these deliberations, Sir George Stephen was semi-officially consulted on the facts, and he gave his opinion in favour of a prosecution; but, finding that none was likely to be instituted, and that some of the most material witnesses were about to quit the country on naval duty, he resolved to take upon himself this onerous responsibility, and he presented accordingly indictments to the grand jury—just such indictments as would have been presented by the Attorney General if the Government had been the prosecutor.

To how much expense, trouble, and obloquy, this proceeding would expose him, this gentleman knew well, and he made up his mind accordingly. That he should have in the affair any motive, either of personal malice, or of professional advantage, is altogether impossible. He could have none but a regard to public duty, and to the interests of humanity, so deeply staked in the cause. Mr. Justice Maule, when granting the application for costs, declared that "the case was a proper subject for inquiry," by whomsoever that might have been promoted; and we take it upon ourselves to say further, that Sir George Stephen in instituting it, has acted a part eminently just and honourable, and entitling him to the high estimation and cordial gratitude of all upright and philanthropic men.

As to the result of the trial, no one is disappointed by it. Mr. Pedro de Zulueta has not been legally convicted; but there are few unprejudiced observers who do not believe him really guilty of aiding and abetting the slave-trade. This not only is so plain as a matter of fact, but was so plain as a matter of evidence, that Mr. Justice Maule, in summing up, obviously charged the jury for conviction, and an impression existed in court that such must almost inevitably be the result. Mr. Pedro de Zulueta has had a very narrow escape. Wealthy merchant as he is, and highly educated and moral (!) as he is said to be, he has been within an ace of being convicted as a felon by a jury of Englishmen, and of being transported as a felon for fourteen years. He, and the firm to which he belongs, will be somewhat cautious, we presume, as to their future proceedings.

It is stated in the papers that the verdict was received in the court with cheers, and other tokens of applause. In so far as relates to Mr. Pedro de Zulueta personally, and to the family which would have been so dreadfully lacerated by a different result, we can most heartily respond to these cheers; and still more heartily should we do so, if we could think that the decision of the jury removed from him all moral stain. But if those cheers denoted that the commercial interest of London, by whom the prisoner at the bar was surrounded, resent this inquiry into the character of mercantile transactions, and undertake to screen and patronize an undoubted system of slave-trading and felony which has grown up in their midst, then, indeed, they are to our ears a very melancholy sound. An *esprit de corps* among men of similar pursuits is not unnatural; but British merchants have had hitherto a high reputation for integrity and honour. Of some of the very gentlemen who seemed to labour for utterance, and even coined new words in order to express their inexpressibly high opinion of M. Pedro de Zulueta, we may say that it would have become them better to have manifested a sensitive jealousy for the purity of British commerce, and a resolution that transactions so suspicious as those in question should be expelled from its precincts. If the time is come when merchants in London may with impunity, and even with *éclat*, load vessels with goods for slave barter, and consign them to notorious slave-dealers, against shipments of sugar from Havana, we may just as well go back to the period when slavers were regularly fitted out at Liverpool, with the entire apparatus of slave-decks, water casks, and shackles. The cheers at the Old Bailey remind us but too strongly of the attempt of certain gentlemen on the quay at Liverpool, about fifty years ago, to silence Thomas Clarkson's appeals against slave trading, by a scheme for pushing him into the water.

The trial of Mr. Pedro de Zulueta, however, will not be without its good effects. We have already said that the house of Zulueta and Co. will be somewhat better informed. The risk of being indicted as a felon, even without a conviction, is too serious to be run again. The prudence of this house will also, of course, have its effect on their correspondents in Cuba, and on the coast of Africa. Other parties at present implicated in similar transactions, seeing how severe a blow may be struck, will probably take warning. Further, Mr. Justice Maule has done good service by laying it down very clearly, that taking any part whatever, as an agent or otherwise, is a slave-trading adventure, whether by supplying the goods which are to be bartered for slaves, or by exporting the slaves for which the goods may have been exchanged, is aiding and

abetting the slave-trade, and a violation of the law; all that is wanting to bring the charge home to any party, being proof that he was cognizant that this was the nature of the adventure itself. On this, indeed, the *Times* asks, with great simplicity, "Is it then necessary that every London merchant who ships a cargo of goods to the order of his correspondent abroad should inquire what his correspondent is going to do with that ship and cargo?" To this we answer, undoubtedly it is, to the extent of ascertaining that they are not to be employed in the slave-trade. There is a law making it criminal for persons knowingly to receive stolen goods. Suppose we were to ask, Is it then the duty of every broker to inquire how the goods have been obtained which he is solicited to purchase? Why, every broker knows very well that this is his duty, so far as to ascertain that the goods were not stolen. And, if there be any meaning in the law which prohibits aiding and abetting the slave-trade, it imposes on all merchants and other traders the obligation of ascertaining that the transactions in which they engage shall not be of this character.

The truth seems to be, that British merchants and manufacturers do not like the law against aiding and abetting the slave-trade, and are determined to resist its application. Applauded as the Act of 1824 is, it stands a dead letter, practically nullified by the temper of the times. If, however, it is to be nullified, it would be more honest at once to make a movement for its repeal. If it is to be enforced, it must not merely remain on the statute-book, it must be sustained by a far greater amount of public sentiment than in this case has been found to support it.

On the important subject of Texas, we have received a letter from a correspondent at Boston, from which we give the following extract:—

"Boston, October 16, 1843.

"The movement by the British Government in favour of the abolition of slavery in Texas is exciting the greatest agony among our slaveholders. The New Orleans papers are out in full cry for war with Great Britain at once. The *Madisonian*, President Tyler's mouthpiece, alleges that any interference of Great Britain with Texas will be cause of war to us, and it says the fullest instructions have been given to our ambassadors in England, Mexico, and Texas. Mr. Henry A. Wise, who was nominated by President Tyler as Ambassador to France, has recently published a letter on the subject, full of fury. He says, 'The question of slavery has at length become a national one.' 'I dread England's rapacity. She hates the United States. We alone stand in the way of her domination; she is wise, crafty, and hypocritical, and has a party of fanatics among ourselves.' 'I would say now to England, "You shall not interpose at all to the injury of, or interference with, our institutions in any way whatever; if you do, it shall be at your peril and cost. I will defend my own institutions, at least against your intervention." How? Texas is bone of our bone, and flesh of our flesh. *Verb. sat. sap.*' And he closes with the following toast: "England and America—Texas and the United States. Whatever we may have to do with slavery on this continent ourselves, no European power shall intrude upon its domestic relations."

"I do not think the toast quite clear, but it evidently contemplates making common cause in defence of slavery, with all the powers of 'this continent,' including, of course, the Brazils. The editor of *Hill's Patriot*, from which the enclosed extract is taken, is one of the ablest democratic editors in New England, but for a year past he has supported Mr. Tyler's administration. It is an evidence of the intentions of the present executive administration. Fortunately, the executive is the feeblest possible, having no power with either of the two great parties, despised by all, and used by them for their own purposes as far as possible. The northern democracy used to be wholly subservient to the slaveholders, but that day is over. I have no doubt a desperate effort will be made to secure the annexation of Texas to the Union at the coming session of Congress, but I trust the conspiracy will be defeated. I am sure no effort will be omitted on our part."

By the West India mail we learn the result of the investigation into the origin of the late calamitous fire at Kingston. The fire-wardens appointed to inquire into the origin of the fire were divided in opinion; seven were satisfied that it was accidental, two were doubtful, and one considered it was the act of an incendiary. It appears to have commenced near the furnace-room of an iron-foundry, which was at the time in operation. This fact, in the absence of any proof of a wicked design on the part of any individual, seems sufficient to sustain the opinion held by the majority of the firewardens.

We have been startled at finding among the papers brought by this mail the following article, imputing to the captain of a British ship the act of surrendering a fugitive slave at Guadaloupe. We extract it from the *Guiana Royal Gazette* of the 5th September:—

"The following letter is addressed to us from Gaudaloupe;—'Captain Henderson, commanding the schooner *Arrow*, bound to Trinidad, sailed the 6th of July, instant, from Pointe-à-Pitre, with several passengers; when in the St. Vincent channel, he discovered that he had a slave on board, called Pierre, one of the best cooks in Pointe-à-Pitre, who thought to have got his freedom under the protection of the British flag, flying at the mast-head of the *Arrow*; but Captain Henderson yielding to an honourable feeling, tacked about and arrived this morning in our harbour, and delivered to the authorities the fugitive slave, and sailed again for his former destination, Trinidad.'"

We scarcely know how to express our feelings of shame and indignation on reading this account. That Captain Henderson should not have had sufficient humanity to connive at the escape of a fellow-creature from an unrighteous and cruel bondage must be an indelible dishonour to his name. It seems to us, however, that

he has committed an act not less illegal than inhuman. The fugitive Pierre, when on board an English ship, was a freeman—as truly so as if he had been on English ground; and we challenge the right by which he was delivered up. Captain Henderson dared not have taken a similar course if a slave had been found secreted in his house within British territory; and, if Pierre had been where a writ of *habeas corpus* could have been moved for, this flagitious transaction might have been arrested in the midst. The law may never reach Captain Henderson; but he may not be quite insensible, perhaps, to the stings of his own conscience, or to the estimation in which all benevolent and honourable men must hold his conduct.

Correspondence.

To the Editor of the Anti-Slavery Reporter.

Westham, near Basingstoke, Oct. 25, 1843.

SIR,—Will you be so obliging as to explain to me—or, by inserting this letter in your columns, to present my compliments to the editor of the *Guiana Times*, and request him to explain—what he means, when, in the quotation you have made from his journal in your last number, he talks of "49 slaves who had been declared free for decency's sake by the Mixed Court in Surinam in 1823, yet, through the rapacity of the Dutch Government, and the criminality of the British Commissioner, remaining twenty years in bondage, subject to the lash, the Spanish buck, and all the other tender mercies of Surinam, until their number dwindled down to 26, inclusive of the children born during this sore and iniquitous servitude?" I wish him to name distinctly the Commissioner to whom he alludes, because, as I had the honour to hold the office of British Commissary Judge at Surinam in the year 1823, it may be commonly supposed in England that he refers to me.

Now, Sir, I have myself no very distinct recollection of the case, or the circumstances attending the condemnation of the vessel *Las Nuevas* (*The Snow*), which (as I perceive by referring to the papers laid before Parliament) occurred during my voyage to England in the spring of that year, on leave of absence; still, as the word "criminality" must apply to some conduct on the part of the Commissioner subsequently to the condemnation of the vessel as an illicit slave, I hope the editor of the *Guiana Times* will be pleased to remember that "general warrants" have long been decided to be illegal, and to be a little more definite in his imputation of crime. Having (as perhaps you know, Mr. Editor) been most severely—and, as I contend, out of all measure of either wisdom or justice, considering the then unprecedented novelty of my position, and the long moral combat I had to sustain—punished by my own government, at the instance of the local authorities, for having suffered my zeal to exceed my discretion in remonstrating against and exposing the systematic humbug and evasions of duty of the latter, such remonstrances and exposures being contrary (as was alleged) to my instructions of conciliation, if I am now to be charged with a criminal connivance at the evasions by the colonial Government of the treaty of which I was sent out to see to the execution in good faith, I shall certainly, notwithstanding the lapse of so many years, either move the Duke of Wellington and Lord Aberdeen (who were my judges) for a new trial, or subpoena them as witnesses to procure me a verdict against my accuser of damages for defamation.

I am, Sir, your obedient servant,

CHRISTOPHER EDWARD LEFROY,
British Commissary Judge at Surinam from 1819 to 1829.

DONATIONS AND SUBSCRIPTIONS.

THE following contributions have been received during the past month, and are hereby gratefully acknowledged:—

	Donations.	Subs.
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ANTI-SLAVERY CONVENTION, 1843.

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